Ron George Strikes Again! — *Mark S. Pulliam*

CALIFORNIA ★ POLITICAL
REVIEW
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Suing Microsoft
by John Patrick Hoy

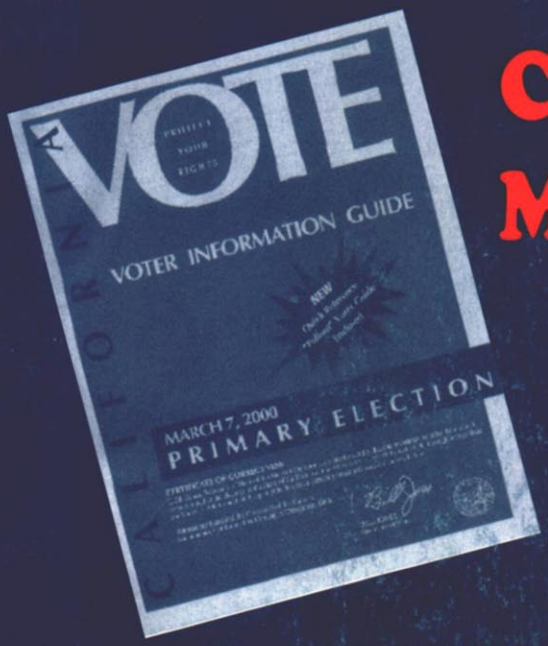
Stanford 9 Scores Surpass Expectations — They're Worse!
by Steve Baldwin

China's Canal Machinations
by John Kurzweil

California Primary 2000

Whom should Republicans nominate?

Ray Haynes — by Bruce Herschensohn
Tom Campbell — by Tim Ferguson
Bill Horn — by Darrell Issa



CPR's Ballot Measures Guide

Initiatives & Referenda
by Dan Brennan

The Protection of Marriage Act
by James Bemis

A CPR Debate

Resolved: Proposition 25 Should Become Law

Ron Unz, Affirmative • Ray Haynes, Negative

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"...must reading... I am astounded when I hear supposedly intelligent officers and officials state that the Canal no longer has any strategic value."

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former chairman,
Joint Chiefs of Staff, Honorary Chairman; Retired Military Officers
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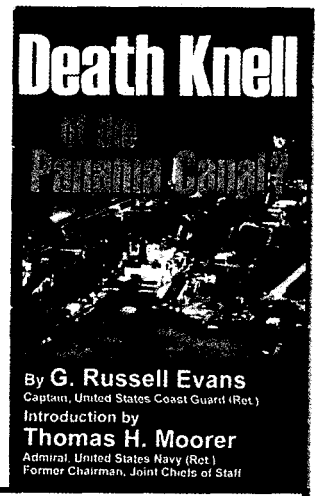
"...an invaluable reference to understanding the importance of the Canal..."

Senator Jesse Helms


Death Knell
By G. Russell Evans
Captain, United States Coast Guard (Ret.)
Introduction by
Thomas H. Moorer
Admiral, United States Navy (Ret.)
Former Chairman, Joint Chiefs of Staff

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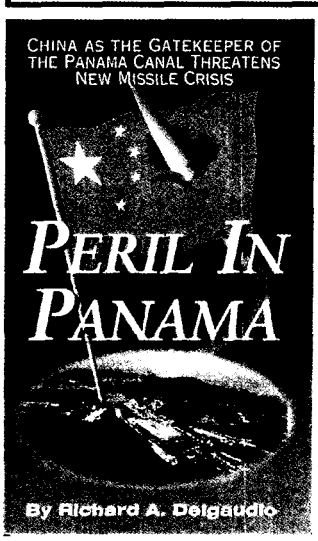

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Put Out More Flags Criticus loves a flag, especially one snapping in the breeze, to lift the spirit, to teach history, to symbolize deeper meanings and associations, and to launch readers into the Confederate battle flag brouhaha.

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CORRESPONDENCE

Ray Haynes: Thinker and Doer

Your biographical piece on Ray Haynes ("Ray Haynes and the Party of the Little Guy," by John Kurzweil, *CPR,* Jan./Feb.) reminded me of a C. S. Lewis line, quoted a while ago in *CPR,* from *The Screwtape Letters* about how it has been centuries since "the humans connected thinking with doing and were prepared to alter their way of life as a result of a chain of reasoning." If this is so, Haynes is evidently out of place in our time because he is capable of learning from and acting upon the plain facts life places before him. But I am not sure Screwtape's point is quite correct, because Haynes only thought and acted as did millions of other Democrats beginning in the 1960s and on through the '80s as Ronald Reagan, by his own words and example, showed the world, first, how little truth remained in the phrase "Party of the little guy" as a description of the Democrats and, second, what anyone concerned about the interests of ordinary Americans should do about it: move to the Republicans.

But Screwtape *did* provide a good description of Country Club Republicans. Having watched Reagan show exactly how to win the support of the vast majority of Americans, they reacted with horror, as though nothing worse could happen than that their precious Party should be invaded by hordes of the Great Unwashed. They, and the liberals, cheered as Pete Wilson destroyed his own Party in his own state and George Bush destroyed his own presidency and political career, each of them by devoting himself, as his first priority, to driving out the conservatives Reagan had brought in. Before these clowns can re-connect thinking with doing, they will first have to re-learn how to think at all.

Brian Loughman
Los Angeles

Ray Haynes is a man of real substance. Now or in the future, he should become a statewide Republican leader. Thank him for me for running and reminding so many of us why we became Republicans in the first place.

James Wellstone
Chico

Bird's Vivid Misrule

Thank you for Phillip E. Johnson's "Rose Bird: Not Quite Ready for Canonization" (*CPR,* Jan./Feb.). I think the overwhelming majority of voters, given the choice today, would again vote to remove Bird, and I think those of us who did so vote 14 years ago remember why she had to go. But the truth about her time on the Court should still be told and retold. Even good memories can grow cloudy with nothing but left-revisionist fantasies to read, even about as vivid a misrule as Bird's. And one hundred years from now, when all today's revisionists have passed on to their own materialists' canonization and time has sharpened even establishment discernment, we may hope Bird receives some such footnote in a history of our state Supreme Court as: "... except for one decade of unprecedented judicial activism in the late 20th century." That is, we may hope our future historians don't rely for source material on the *Los Angeles Times.*

Pam French
Riverside

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SACRAMENTO SPECTATOR

Your *Spectator* has said for some months that he didn't care who the Republicans nominated for president, because what was important was a nominee with coat-tails that would bring in 20 or so new Republican Congressmen to give the GOP a real majority in the House.

I'll stick to that, with this caveat about John McCain: Any candidate causing Al Hunt and every other liberal media pundit to swoon should be inspected very, very closely. Or put another way, have you ever agreed with Al Hunt or Margaret Carlson? They think McCain is the bee's knees. Think carefully, Republicans.

The "expectations game" does interesting things. Senate Republicans, led by Ross Johnson and Jim Brulte, are thought to have little chance of adding to their 15 members. Under the mantra of recruiting candidates "who match their districts," they have candidates in target seats who largely eschew conservative ideology.

In other times these candidates would have sent up howls from conservatives. The reality is that Johnson and Brulte have gotten mostly kudos all around for a group of recruits that is impressive — if ideology doesn't matter to you.

Assembly Republicans are given a decent chance to gain four to five seats and an outside shot at the nine needed for a majority. Scott Baugh and crew is catching holy hell from conservatives for recruiting candidates in some target seats who not only call themselves "moderates" but are pro-abortion, pro-gun control, and soft on various tax issues. Perhaps it's that more was expected from Baugh or perhaps it's that activists have given up on the Senate, but Baugh is definitely playing the flak-catcher while his Senate counterparts escape.

The problem is that both Baugh and Johnson/Brulte are supporting "moderate" candidates not only in districts that demand moderates. They have also recruited jelly-spined types in districts that are arguably conservative and have histories of supporting conservative candidates in the recent past. Being legislative leaders has been accurately described as akin to herding cats, so your *Spectator* doesn't mean to pile on these worthies. But great movements and parties unravel one string at a time, and filling the GOP caucuses with folks who disdain fundamental beliefs of the GOP base would be one more step toward marginalizing the California Republican Party.

And speaking of jelly-spines, submitted for your revulsion is the fate of very liberal Republican Bruce McPherson. McPherson seems to have drawn a free pass from Senate Democrat Leader John Burton. No substantial Democrat challenged McPherson in a seat widely viewed as the most likely site of a Democrat take-away from the GOP. The chit-chat in the stylish *soirees* frequented by your *Spectator* is that Burton actively discouraged Democrat Assemblyman Fred Keeley from running as a payoff to McPherson for his many timely votes for Democrat legislation.

It would make sense. Burton's Democrat majority is very safe. He knows McPherson — a Democrat in all but name — will throw him a vote whenever he really needs it. So why spend good Democrat money beating him? Burton gets the best of both worlds: a vote to pull out of his pocket in time of need as well as a fifth columnist inside the GOP caucus. — *A. P. C.*

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Ron George Strikes Again

Ever eager to curry favor with the Sacramento Democrats, this time George steers California towards elections rigged against the GOP. Don't say you were not warned.

MARK S. PULLIAM

ACTIVIST JUDGES have long shown hostility to the initiative process, not hesitating to invalidate ballot measures enacted directly by the voters. Proposition 187 is the most notable example of election results being nullified from the bench. Recognizing that the legal establishment shares their contempt for popular sovereignty, liberals often resort to litigation in order to achieve their policy objectives when they are foiled in the political process. Rarely, however, do the black-robed solons deny citizens the opportunity even to cast a vote. That is precisely what California Chief Justice Ron George did last December 13 when he ordered Proposition 24 stricken from the March 7, 2000, ballot in *Senate of the State of California v. Jones* (21 Cal. 4th 1142).

Proposition 24, styled by its proponent, Ted Costa, as the "Let the Voters Decide Act of 2000," would have prevented the expected gerrymander of legislative and congressional districts by amending the California Constitution to provide for redistricting by a panel of "special masters" (retired state and federal judges) appointed by the California Supreme Court. (Every 10 years, legislative and congressional districts are redrawn to reflect population shifts as determined by the decennial census. Under current law, redistricting is conducted by the Legislature.) The redistricting plan developed by the special masters following public hearings would have been subject to voter approval at the next general election. Had Proposition 24 been enacted, it would have prevented the type of "back room" machinations that typically emerge from a Democrat-controlled Legislature, producing absurdly-shaped districts drawn in result-oriented fashion to conform to partisan voting patterns. Instead of achieving a level playing field through neutrally drawn districts, a gerrymander would ensure Democrat victories and Republican defeats for a decade to come. (Only a veto by then-Governor Pete Wilson prevented such partisan shenanigans during the last redistricting. Gray Davis poses no constraint to the radically left-wing Legislature elected in 1998.) Proponents of Proposition 24 feared that a gerrymander led by John Burton, Sheila Kuehl, Antonio Villaraigosa, *et al.* would institutionalize Democrat control of the California Legislature and even jeopardize the slim GOP majority in Congress.

Proposition 24 would also have provided for other limitations on legislative power and privileges, such as cutting the pay of state legislators (to $75,000 a year), regulating their *per diem* travel and living expense reimbursement, withholding their pay for failure to submit a timely budget, and making all future pay raises subject to voter approval. Polls showed 24 struck a chord with the public, which understandably feels increasingly disenfranchised from the political process. More than one million voters signed petitions to qualify Proposition 24 for the ballot. Polling numbers suggested that the Republican Party stood a good chance of averting a gerrymander that would distort and diminish democracy. Proposition 24 could have gone a long way toward restoring public confidence in the political system, reducing cynicism and distrust toward politicians, and in the process saving the GOP in California from a rigged electoral process. And Proposition 24 might have been a powerful civics lesson, precisely the type of reformist measure the Progressive Movement had in mind when it championed the initiative device.

BUT THEN Proposition 24 ran into Ron George. George undoubtedly recalled the wrath visited on his predecessor, Malcolm Lucas, when, in 1991, the California Supreme Court upheld Proposition 140, which imposed legislative term limits: The Legislature threatened to cut the Supreme Court's budget the following year in retaliation! George has no stomach for that type of un-

Mark S. Pulliam, California Political Review's *legal issues correspondent, is an attorney in private practice in San Diego.*

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THE FRONT LINE

The Machine

Duane Dichiara

GOP factions have always existed and have always struggled for control of the Party agenda and programs. Generally, the most effective insurgent argument in such struggles is that those in power are ineffective at winning elections. This struggle is healthy — regularly bringing new blood and ideas into the GOP, replacing the stale or ineffective with the fresh and energized.

California's two largest GOP factions identify themselves as "conservative" and "moderate." The moderates, who are once again challenging the long-dominant conservatives, critique conservative platform positions, programs, and organizations as "ineffective." Currently, the fight centers on the Orange County Central Committee and, specifically, its long-time chairman, Tom Fuentes. The ouster of a county chairman would normally be inconsequential to statewide, and even local, elections because most county Parties do little, even on the jobs they exist to perform: voter registration, Party building, election day "get out the vote." But in Orange County, even hardcore moderates find it hard to deny that the local Party performs these tasks, and many others, better than any county Party in the state, and perhaps the nation.

Duane Dichiara is campaign manager for Assemblyman Tom McClintock, a GOP candidate in California's 19th state Senate district.

The recent slight narrowing of the GOP's Orange County registration lead is due mostly to increased "Decline to State" voters, a 10-year-long, statewide phenomenon. Republicans still hold a dramatic 49.6 to 32 percent lead over the Democrats in the county. Orange is one of the few county Parties to maintain effective volunteer registration efforts rather than rely completely on state GOP paid registration programs.

It also keeps the state's most active and coordinated Party building calendar. Rarely will it *not* list an event: candidate fund raisers, receptions for visiting national leaders, ethnic outreach socials in minority-dominated areas, volunteer precinct captain gatherings.

On election day the most effective GOTV program west of the Mississippi turns out, precinct by precinct, the votes that provide statewide GOP candidates' victory margins. In some elections, of course, the issues, candidates, or voter dynamics disfavor Republicans, and even the most dedicated precinct captains cannot turn out a winning vote — for example, 1998's Assemblyman Jim Morrissey and state Senator Rob Hurtt losses in heavily Democrat districts with a weak top of the ticket. But the real story is that Orange County's GOP was able, for a time, to take and hold these seats at all.

Moderates speculate that another chairman could have used Orange County's natural resources to resist better the Party system deterioration that has plagued California. But where they speculate, Fuentes has performed, for 16 years playing a vital role making the county Party work while chairmen in other GOP-dominated counties struggled to achieve far less. Fuentes coordinated donors, legislators, and activists into what former Assemblyman Gil Ferguson calls, albeit derisively, "The Orange County Machine."

Republicans for New Directions," one of two new organizations seeking to remove Fuentes, is led by Ron Shenkman, an activist in "Republicans for Clin-

(Please turn to page 31)

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pleasantness. Moreover, he is hoping to obtain legislative approval this year for judicial pay raises. Accordingly, Proposition 24 was doomed as soon as its opponents challenged it in the Supreme Court; George's top priority was to appease the Legislature at any cost. So on October 28, 1999, when John Burton, president pro tem of the state Senate, filed an "original proceeding" directly in the Supreme Court, the only question was whether George would wait until after the election to issue a ruling, hoping that it would fail, or whether he would take the unprecedented step of deciding the case before the voters even went to the polls.

IF HE waited, the voters might let him off the hook, but if they didn't — by passing Proposition 24 — they would be even more upset by a post-election judicial nullification. So George did the dirty deed in advance, even though the ballot preparation deadline was only six weeks away when Burton sought a writ ordering Secretary of State Bill Jones to remove Proposition 24 from the March 7 ballot. It normally takes the Court many months — sometimes years — to issue a decision after it decides to hear a case. Not this time. On November 10, the Court set an expedited briefing schedule, with briefs from the parties due just two weeks later, and oral argument just eight court days after that. The 5-2 decision, authored by George, was issued just three court days after the hearing. From beginning to end, the case took just six weeks.

Not only was the Court's haste extraordinary, the timing of Burton's challenge was calculated to prevent the proponents of Proposition 24 from resubmitting an alternative initiative in time for the March 7 election. Proposition 24 was originally submitted to the Attorney General on April 5, more than six months prior to Burton's eleventh-hour legal challenge, and the proponents began collecting signatures on May 26. By waiting until October 28 to mount their challenge, the opponents engaged in the most blatant form of sandbagging, but the Supreme Court blithely looked the other way.

What was the basis for George's remarkable decision

WHAT YOU HAVEN'T BEEN TOLD ABOUT GUN CONTROL

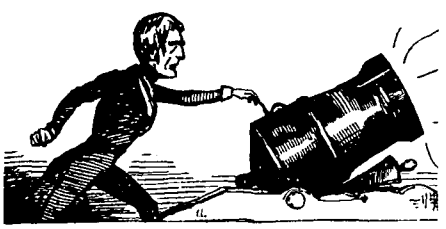
By WILLIAM E. SARACINO

Though the liberal bias of the major media is indisputable, it is often hard to pin down *via* empirical evidence. Thanks to the non-partisan Media Research Center in Alexandria, Virginia, we no longer have that problem when it comes to gun control. As you would have guessed, the media is vehemently anti-Second Amendment.

The Center did a study of two years of gun policy stories on ABC, CBS, CNN, and NBC. They found that during those two years, stories that argued for more gun controls numbered 357, while those that argued in favor of either fewer restrictions or the *status quo* numbered 36 — a 10-to-1 bias in favor of one side of the political argument. Where are the FCC enforcers of "fairness" and "diversity" now?

And in case you're wondering, ABC was the worst of that very bad lot. The ABC Evening "News" slanted their stories in favor of more gun control by a ratio of *43-to-3*. Good Morning America featured 92 stories pushing the anti-freedom, anti-gun line, while finding time to air a grand total of 1 story that took an opposing view. One.

You'll want to keep these numbers handy for the next time a liberal dismisses the idea of bias in the media as a conservative fantasy.



And speaking of numbers, here are some from the *Seattle Post-Intelligencer* sure to inflame your favorite lefty. Seven hundred thousand doctors live in the United States. The average annual number of accidental deaths caused by doctors in this country the last few years is 120,000. Therefore the ratio of accidental deaths per doctor is 0.171-to-1. Eighty *million* gun owners live in this country. The average number of accidental gun deaths in the last few years is 1,500, making the ratio of accidental deaths per gun owner .0000188-to-1. Therefore, statistically, doctors are approximately 9000 times more dangerous than gun owners.

William E. Saracino is political director of Gunowners of California.

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COMMENTARY

Liberalism's Last Stand

John Kurzweil

Republicans, in one of the political season's stranger somersaults, are emerging as the last defenders of political liberalism. Democrat liberalism began dying in the 1960s, sank to minority status in 1972, and all but disappeared in leftist Bill Clinton's 1992 election. But now, fulfilling Marx's axiom that history's tragedies repeat themselves as comedy, Republican U.S Senate candidate Tom Campbell is re-hoisting the liberal banner.

Liberalism is not a set of ideas. It is, rather, a process, a palliative for entities that have lost their way or grown too weak to continue fulfilling their purpose, but are not yet ready to admit to themselves that they have quit. Democrats used liberalism from the 1920s to the 1950s to rationalize a gradual abandonment of America's founding constitutional principles. Systematically dismantling their defenses, they prepared for the eventual takeover of their Party by the "New Left," the non-liberals who brought communism to Vietnam.

But just when it seems liberalism is through, Republicans revive it, led by Tom Campbell. A recent news report introduced Campbell as the speaker certain to make any Republican audience gag, and with good reason: the ACLU rates his voting record higher than Boxer's, Dianne Feinstein's, and even Ted Kennedy's. He trumpets support for partial birth abortion, which Democrat Senator Pat Moynihan calls infanticide. He's to Hillary Clinton's left on the definition of marriage, to Feinstein's left on illegal drugs for addicts, to Boxer's left on Internet taxes, and to the left of Harvard's Lawrence Tribe on the Second Amendment, which Tribe, but not Campbell, admits defines an individual right.

The National Taxpayers Union ranked "fiscal conservative" Campbell *second biggest House Republican spender* in 1995-96. He fought refunding illegal California taxes, voted against a two-thirds vote requirement in Congress for tax increases, criticized GOP efforts last year to increase the federal per-child income tax deduction, and, in 1990, said "I think a tax increase is overwhelmingly good for the economy."

I recall Tom Campbell at the 1992 GOP primary victory party in L.A. Early in the evening, Tom, thinking he had won the GOP nomination to oppose Barbara Boxer, commenced, from the main podium, beating up not Boxer or the Democrats, but his Republican opponent, Bruce Herschensohn, and the "right wing." No word about the common foe; no praise for an honorable opponent or for the millions of Republicans who supported him fervently; nothing about shared principles or uniting Republicans for November. Instead, it was a Campbell vitriol session aimed squarely at what he seemed to consider his true enemy: Reagan Republicans, especially prolifers.

Campbell's opposition to most elements of the Reagan platform is called "independence" and "thoughtfulness." It *is* fair to say he is no politician. His Internet tax proposal alone is probably enough to preclude his ever beating Feinstein. But this candidacy is less about Campbell going to the Senate than about acquiescing in Republican dissolution as a Party of principle. It picks up the maudlin banner of liberal self-doubt and pre-emptive surrender that Democrats dropped, this time within the Party of Lincoln and Reagan. It re-enacts the liberal Democrat tragedy as comedy, inviting us to salute the ACLU's favorite Republican as a savior of the GOP. CPR

John Kurzweil is editor of California Political Review.

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in *Senate v. Jones?* Incredibly, he ruled that curbing legislative pay, perks, and power in the same initiative violates the "single subject" rule. The Supreme Court had *never* previously invalidated an initiative measure on this ground, and only once before — 50 years ago — had it decided the merits of a *pre-election* single-subject challenge to an initiative. Yet George and his colleagues held that voter control of redistricting is not "reasonably germane" to voter control of legislators' salaries. The majority brusquely rejected the proponents' argument that since legislators work for the people, the people are entitled to have final say over legislators' compensation and job security

ASSOCIATE JUSTICE JOYCE KENNARD, joined by Justice Janice Brown, dissented. She reminded the majority of the numerous precedents it ignored to strike down Proposition 24. In prior cases, the Court had extolled post-election review of initiatives so as not "to disrupt the electoral process by preventing the exercise of the people's franchise." In another case, the Court recognized that "no serious consequences will result if consideration of the validity of a measure is delayed until after an election .... If the measure passes, there will be ample time to rule on its validity. If it fails, judicial action will not be required." Kennard closed with these words: "The prudent and correct course here is to defer decision on the validity of Proposition 24 until after the March 2000 election. Abandoning judicial restraint, the majority has sacrificed the prime judicial virtue of careful deliberation."

Even the liberal *San Francisco Recorder,* a leading legal newspaper, was troubled by George's hasty and politically-expedient decision. In an editorial, the *Recorder* wryly noted that "the decision will no doubt benefit [George] as he presses for the money and legislation he needs to implement his vision for California's court system." The *Recorder* opined that it is "hard to shake the feeling he led the Court in knocking Proposition 24 off the ballot in order to score points with the pols. Good relations is one thing, groveling quite another." George, the editorial concluded, runs "the risk of being remembered for worrying more about political repercussions than legal ones." *California Political Review* has been saying this for years. You read it here first. Before *Senate v. Jones,* the Supreme Court regarded the initiative as "one of the most precious rights of our democratic process." Courts deemed it their duty "to jealously guard this right of the people." With extraordinary haste, at literally the last minute, and contrary to the Court's own precedents, George subverted that right for transparently political reasons. In what is surely his most revealing decision as chief justice, George confirmed that he is an unprincipled opportunist.

THE MIDNIGHT ECONOMIST

Pernicious Potentialities of Contriving Cloud-Places

Bellamy's Dark Fairy Tale for the Year 2000

WILLIAM R. ALLEN

LITTLE MORE than a century ago, the American author, Edward Bellamy, published his utopian novel, *Looking Backward.* The immensely popular and influential book pictured a collectivist paradise in the year 2000 which resembled a smoothly managed prison — or zoo — populated with docile, contented inmates.

William R. Allen felicitously combines inspiring romanticism with rational realism in the UCLA Department of Economics.

There was much anticipation of technological ingenuity but little room for individualism in this ideal world, for there was little room for registering personal preferences, for private rights to use of property, or for productivity to be reflected in rewards. With brotherly cooperation replacing beastly competition, the objective of imposed organization and the criterion of decreed rules were solely "the welfare of society."

Bellamy's simplistic vision is of simple but sensitive

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An Opening for Common Sense

"The beginning of political wisdom is the recognition that liberalism is at the end of its intellectual tether."
— Irving Kristol

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people of limited ambition and little self-interest enjoying a pleasantly zombie-like existence in a simple, paternalistic world. He romantically rebels against and rejects the realities of risk, uncertainty, change, choice, cost, ambition, greed, conflict. Societal adaptation to a world of scarcity within a context of capitalistic competition was "folly ... brutally individualistic, antisocial, and unpolitical."

For him, an efficient social system requires personal purity — and individual acquiescence to centralized direction in a military type of egalitarian organization. And, despite all evidence, he was confident that people *are* innately pure, but are corrupted by bad institutions — and that purity would be restored with correction of the institutions. Individual subserviency to integrated social structure and consolidated control would be the triumph of common sense. We can "easily" bring into being a "new world, blessed with plenty, purified by justice and sweetened by brotherly kindness ...."

The author provides glowing general assessments of *conditions* and *results,* but little of how the arrangement is to be *established* and how it then is to *operate.* Success would require human characteristics which in actuality are not characteristic of humans. Ignored is the admonition of David Hume that the proper starting point of social analysis is to take men as they are; and rejected is the vision of Adam Smith that appropriate ground rules and procedures of society can meld and channel activities of combative competitors to the benefit of all.

THE SERENE Bellamy acknowledges that initially he had had in mind "a mere ... fairy tale of social felicity," with "no thought of contriving a house where practical men might live in, but merely of hanging in mid-air, far out of the reach of the sordid and material world of the present, a cloud-place for an ideal humanity." "Ah," a poet instructs us, "but a man's reach should exceed his grasp, or what's a heaven for?" And he came to confuse his naivete with profundity and to embrace a childlike conception of gentle, genial totalitarianism.

It need not be wholly in vain to seek the impossible — if what we seek would prove desirable if attained. It is useful as inspiration and guide to strive for more than we can achieve — if the manner of striving itself does not preclude attaining as much as is possible. It is proper and appropriate to strain to reach beyond our grasp — if, in fact, we rationally reach toward Heaven. But if the reach is grossly misconceived and fundamentally misdirected, then what is grasped will be quite the opposite of Heaven.

THE WORKING PRESS

Fourth Estate Forgets to Register

The voters are waiting to read about the significance of several ballot measures.

TIM W. FERGUSON

A MONTH BEFORE the primary, the journalist pack decided it would write about how Californians weren't ready. Suppose they gave an election and nobody cared — that kind of stuff. But there was plenty else to report, beyond the usual, scripted candidate klatches and rallies. Voters were waiting to read about several ballot measures.

It took an op-ed piece in the *Los Angeles Times* by leaders of the Howard Jarvis Taxpayers Association to call attention to a potentially damaging schism between the anti-tax forces and major business lobbies. At issue is Proposition 26, the ruse by which the public-school protectorate is trying to lower the threshold for approval of tax-financed bonds. This would help the spenders sneak the booty through in quiet off-year elections.

The California Chamber of Commerce *[sic]* signed the ballot argument for Proposition 26 and several other statewide business groups are supporting it. The Jarvis boys — who themselves have been known to go a little wobbly on tax increases that don't hit their bread-and-butter interests — denounced this implied effort to shift the burden onto residential properties and said

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in return they wouldn't help the corporate crowd try to pass a business-friendly tax measure possibly in the works for November. The statists would like nothing better than to drive a wedge between the two major types of taxpayers, with the ultimate payoff being a split roll that would gut the original Jarvis-Gann by taking the tax relief away from business properties.

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If Proposition 26 can confuse the innocent, the bedfellows on the Unz campaign reform initiative (Proposition 25) almost defy categorization. This one has the potential to divide candidates in both major Party presidential races and reporters will delight in that. But less obviously, it unites most libertarians with the worst of the state's interest lobbies, including the California Teachers Association, in opposition. If it were to pass (and the latest U.S. Supreme Court decision seems to indulge tighter limits), it stands to shift the balance of power in the state just as the new all-comers primary ballot is breaking down old partisan barriers. You can be sure there will be unintended consequences — we just don't know which way they will cut. Pundits should be having a field day speculating.

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Proposition 22, the Protection of Marriage Act, is much easier to sort out, and the general slant of the coverage is predictable. (Robert Salladay of the *San Francisco Examiner* filed a particularly vicious report from the prayer breakfast at the state GOP convention.) But the deep social divides among the activists on the issue, with evangelicals, practicing Catholics, and Mormons on one side and Hollywood and high-tech on the other, will help to define California politics for years to come. Few see that far out. The moral underpinnings of public law are usually put to a more indirect test, say with an appellate court striking down or writing societal rules and the electorate having only a delayed and muddled response. This time it's out in the open. Will any politicians burn in the crucible?

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At the local level, as well, basic notions of civil society will be tested. A liberal businessman in San Francisco has incurred the wrath of the leftist welfare establishment there by pushing a measure to replace general-assistance cash grants to the city's homeless, many of whom use the money for booze and drugs. Proposition E, a seemingly sensible substitute of vouchers that supposedly could be used for housing and other basic needs — and is intended the get the 4,000 or so bums off the street — is attacked by John Burton and Nancy Pelosi, naturally. Willie Brown, who, unlike Rudy Guiliani in New York, has abdicated the fight for livable (instead of lived on) streets, takes a powder. If this one citizen's attempt to assert minimal standards can carry the day even in San Francisco, will the press raise the question of whether Santa Monica, Berkeley, and Los Angeles will next be forced to clean up their acts?

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John King of the *San Francisco Chronicle* wondered, as even experienced political writers sometimes do, why a race between "moderates" of the two major parties (in this case for the Richard Rainey state Senate seat) has any meaning. After all, you listen to a pair of experienced pols pander to the voters and it's hard to tell the difference. That's why spot stories from the campaign trail are often so unavailing. But of course the two parties, engrossed as they both are in the coddling of powerful interests in Sacramento, nevertheless have broadly different agendas and that is why any legislative race can be pivotal, no matter the pabulum. California is going to have a weak GOP for a long time but its comeback has to start somewhere. That's how each contested race should be reported — forget the stump speeches.

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If the Republicans were a presence in the Legislature, California might have figured in a top-of-Page 1 *New York Times* story, "Parents Lead Way as States Debate School Vouchers/ Bills in 25 Legislatures." The only serious voucher action here will come in November from Tim Draper's delayed and diluted initiative — the statewide press still isn't on to it. In two-party states, they actually discuss such a thing in the Capitol.

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Little is reported on Proposition 28, the libertarian Roscoe clan's Quixotic effort to repeal the Reiner cigarette tax, other than how the "tobacco" business is behind it (though the "tobacco companies" were ducking the fight). There've been only a few ambitious efforts to see where the taxes are going, and little examination of whether an ongoing lobby for spending — in this case from subsidized and mandatory pre-schools — is being created. Someday, long after the Marlboro Man has been nearly extinguished, that's going to be important.

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The only good thing about a botched Orange County highway privatization arrangement (which pundits on the right should do a better job of explaining) is that Gray Davis's patronage appointment to head Caltrans, Jose Medina, has stepped in the muck and can't get it off his shoes. Liberal and conservative media alike roasted him.

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The Politics of Envy

How the suit against Microsoft hurts *both* consumers and competition.

by John Patrick Hoy

INSPIRED BY the classic story of *Frankenstein,* the 1991 movie *Edward Scissorhands* was a box office hit. In the film, a lonely scientist creates a son, Edward, but dies before finishing him. The neighbors discover Edward in the house on the hill and he becomes the object of fascination for the neighborhood.

With his ghostly white skin, wild hair, and scissors for hands, his neighbors at first see him as a freak and want nothing to do with him. Eventually, however, their curiosity takes over and they soon become enthralled with his artistic abilities which range from creating ice sculptures and hedges to styling the hair of the ladies in his neighborhood. Edward's work becomes famous.

But then his success starts to work against him. People often resent it when someone achieves great things against the odds. They often misunderstand and even fear the person, sometimes going so far as to seek to destroy him. That is the theme of *Edward Scissorhands,* a classic story bearing a classic lesson about envy and the evil that comes of it — yet one we consistently fail to learn.

Currently that lesson is being played again, and the star of the show is: Microsoft's Bill Gates, one of the pioneers of the computing industry who has achieved wealth beyond anyone's wildest imagination. His company has revolutionized the technology industry and continues to produce user-

friendly technological innovations. Microsoft's products have made major contributions towards making computers accessible to the average American, while Gates has made major contributions to charities and educational programs.

But Gates is fabulously wealthy. We should not be surprised that people — including even some of his customers — have started to resent and even fear him. Now, the Clinton Justice Department is seeking to destroy his company. The DOJ charges Gates with operating a monopoly in violation of federal anti-trust laws and is in court trying to break Microsoft into three separate entities. (Of course, the DOJ plans to do all this using approximately *sixty million* taxpayer dollars).

THE NATION'S antitrust laws, a Progressive Era reform, were designed to preserve the benefits of the free market, not to allow disgruntled competitors to gang up on a successful entrepreneur. Antitrust laws are intended to protect consumers from the deleterious effects of cartels and monopolies — *i.e.,* charging excess prices for and/or lowering the quality of goods or services. Microsoft has done neither. Indeed, through the innovation and leadership of Bill Gates, the cost of operating systems, Internet browsers, software, and PCs generally have plummeted, while simultaneously their features and ease of use have continually improved. Microsoft literally outsmarted behemoth IBM and out-maneuvered Apple. Charging lower prices for higher quality goods is fundamentally incompatible with monopolisitic behavior. Even Microsoft's erstwhile "victim," Netscape, has flourished in the exploding Internet market. This is the ultimate "reality check" showing that the DOJ is conducting a vendetta at the behest of Bill Gates' envious competitors.

Unfortunately, a look at the 207-page "Findings of Fact" dec-

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laration filed by federal Judge Thomas Penfield Jackson in this case indicates the good judge has been swayed to disregard this Microsoft/Netscape/Internet reality. Instead, Judge Jackson's "findings," following the DOJ's line of argument, concentrate on the very fact that Microsoft has succeeded in establishing its products as the industry standard, as though that alone, apart from any demonstration that either competition or consumers have suffered, were enough to constitute a violation of anti-trust law. The judge's "findings" emphasize such points as that computer industry software suppliers have produced many more applications compatible with Microsoft's operating system than with competing operating systems. According to a Washington Legal Foundation study of the Microsoft case by Professor Antonio F. Perez, Judge Jackson, in his "findings," concludes that this "relative paucity of applications" for competing systems "risk[s] 'tipping' the market, prematurely, into a particular standard and thereby depriving consumers of the benefits of differentiated products." The genuine "fact" that that hasn't happened does not dissuade the judge. According to Professor Perez, Judge Jackson's "findings" ignore both the facts of what created Microsoft's strength in the market and the law that has been established in this area of anti-trust litigation.

All Microsoft did, Perez writes, was to take "full advantage of the incentives of hardware manufacturers and software appplications suppliers to economize and innovate in production, distribution, and marketing of products complementary to the Windows operating system." That is, Bill Gates gave software and hardware suppliers what they wanted: a single widely-used system that enormously simplified their jobs of producing and marketing products that a mass market could and would use. Microsoft was "able to provide for consumers a superior product ... that won the test of consumer welfare — victory in the marketplace." And as to the law, the company did this, Perez writes, employing a "theory of integration by contract" with software and hardware suppliers that "has won increasing acceptance with the Supreme Court and other antitrust policymakers." Perez concludes that Judge Jackson's "findings" point us toward policymaking "at the end of the 20th century that bears closer resemblance to the prejudices of the 19th century than to the requirements of the 21st."

Granted, Microsoft has succeeded grandly where others have only *just* succeeded and still others have failed. But does it help consumers to spend taxpayer dollars punishing Microsoft for lowering prices by competing efficiently?

DOES IT stimulate competition to deny successful competitors the rewards their hard work has won? Who will compete honestly then? If the DOJ's envy-driven prosecution prevails, we'll be looking down a slippery slope of state meddling in the market *not* limited to enforcing real laws against real violations and *not* limited to protecting consumers and competition, but opened up to unfair redistribution from those who have served their customers well to those who have served theirs poorly. It would be hard to find a better idea for derailing the creative genius and prosperity-producing momentum of the technology industry, and, for that matter, for undermining the economy overall. Just once, let's heed the lesson of *Edward Scissorhands.* Let's *not* permit our curiosity and wonder to turn to fear, envy, and destructive hostility.

Education Implosion

Stanford 9 scores surpass expectations — by being worse!

by Steve Baldwin

THE RESULTS of the statewide Stanford 9 basic skills test given last spring to 4.3 million public school students have finally been announced. It's not pretty. In fact, the results are downright ugly. An astounding *83 percent* of all California public schools fell *below* the state target for achievement. In the Los Angeles Unified School system, 96 percent — yup, you read it right — failed to meet the state's educational performance target.

The Stanford 9 test scores have

CPR *education correspondent Assemblyman Steve Baldwin (A.D. 77) was Assembly Education Committee chairman in 1996.*

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been converted to a scale called the Academic Performance Index (API), with an API score applied to each of the state's schools. For now, the API score is based solely on the Stanford 9 test scores. In coming years several other components will be included such as attendance rates, graduation rates, and the results of a forthcoming high school exit exam.

THESE SCORES serve as the foundation of the state's $242 million accountability program. Every school site is given a score from 200 to 1,000, which represents the collective score of that student body. Schools that score 800 to 1,000 will receive monetary awards. Schools with results of 400-799 will have to accept instructional help from the state (which could make things worse, given the Department of Education's pro-New New math and pro-Whole Language tilt). Also, performance targets will be established for schools in this category that will have to be met in future years. If a school is under 400, sanctions will apply including reduced autonomy and the dismissal of top staff. However, the latter can only occur if a school fails to meet its performance targets four years in a row.

All schools statewide are also ranked by category (elementary, middle, or high school) according to their scores and placed into 10 groups of equal size numbered from 1 to 10. In this ranking, a score of "1" means the *collective* score of that school's student body falls into the bottom tenth of schools in the state; a "9" means the school's students fall in the second tenth from the top, and so forth. Looking at these rankings exposes the breadth and depth of the damage "progressive" educators have done to our schools over the last few decades. In the Los Angeles Unified School District, for instance, 34 percent of LAUSD's elementary schools and 34 percent of its secondary schools are ranked "1". Overall, more than two-thirds of LAUSD schools ranked at "3" or below.

That a school district can spend $9,029 per year per child and still keep that child functionally illiterate is a feat unparalleled in education history.

In the real world, the common sense thing to do would be to allow students from such dismal schools to receive a state voucher allowing them to attend a private school. There is no doubt that vouchers would be the ultimate accountability mechanism for the state's education system. If a school does not perform, it loses students and the money that goes with them. Unfortunately, that approach is too logical and, because vouchers undermine the power of the education cartel, a large parent-initiated grassroots movement will be required ever to make it a reality. Perhaps these recent scores will serve as just the catalyst for such a movement.

As expected, we are beginning to hear the usual protest cries, but it's the same old song. Many leading educators and politicians are calling for California to raise its per-pupil spending to the national average of $6,251, saying the state spends around $6,025 per pupil. However, in a recent Pacific Research Institute report, analyst Lance Izumi shows that California is, on average, spending an incredible $7,937 per pupil. Subtracting funds used for adult education, adult vocational education, and pre-kindergarten child development programs, per pupil spending *still* amounts to $7,535.

Izumi also discovered that, "contrary to the popular belief that per-pupil funding has decreased since Proposition 13, per-pupil funding in California has actually increased over time. For example, an American Legislative Exchange Council study calculates that between 1976-77 and 1996-97 per-pupil funding in California, in inflation-adjusted dollars, rose 27 percent."

Bear in mnd that the $7,535 per pupil spending figure is a statewide average. Some districts spend considerably more. Los Angeles Unified — with a third of its elementary and secondary schools ranked "1" and more than two-thirds of its schools ranked at "3" or below — spends $9,029 per pupil. That a school district can spend $9,029 per year per child and still keep that child functionally illiterate is a feat unparalleled in education history. But even more incredibly, the Sausalito Elementary School District, with the highest per pupil funding in California — $16,555 — remains one of California's worst in academic performance.

On the other hand, the average private school in California spends less than one-third per pupil the

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amount state public schools average. Yet private school students not only perform a grade higher, on average, than their public school peers but they are reading by the end of Kindergarten! In contrast, the former Superintendent of San Diego Unified School system boasted a few years ago that "we are committed to the goal of having all students master reading skills and comprehension by the third grade." Gee, that's real nice. Well, in many cases, public schools aren't even fulfilling *that* promise.

The nation's leading education economist, Eric Hanushek, who has done considerable research into the per-pupil spending issue, found that "There is little systemic relationship between school resource and student performance." Indeed, Utah spends less than $4,000 per pupil and yet consistently ranks in the top five among the states in its students' academic performance.

ANOTHER EXCUSE we're hearing is that the worst scoring schools are located in impoverished areas. This is true, but not for the reasons our education officials are telling us. Indeed, most of the lowest scoring schools are in inner city areas but the reason they perform so horribly is because inner city schools have the most ideologically liberal — read "progressive" — educators anywhere. They *love* Whole Language reading, cooperative learning, inventive spelling, and all the other fads for which California is infamous. Despite the push for basic skills and teaching phonics, many of our inner city school districts, such as San Diego Unified, are still adhering to the Whole Language religion.

Indeed, San Diego Unified actually flew in from New Zealand some of the world's leading Whole Language educators to "train" SDUSD teachers how to teach reading. The Superintendent, Allen Bersin, has hired famed progressive educator and Whole Language advocate Anthony Alvarado to be his "Instruction Chancellor" in charge of all teacher training. Unbelievably, despite the total discrediting of Whole Language by reading researchers, California still has what some call "the phonics underground," a network of pro-phonics teachers who have to be discreet due to harassment by principals and district administrators. Some even go so far as to purchase phonics textbooks secretly for their own classrooms since their districts refuse to do so.

Despite the continued dominance of Whole Language in our public schools, some inner city elementary schools *are* heroically fighting the odds and producing outstanding students by using systematic, explicit phonics. One of the state's few elementary schools using such a system in every classroom is Bennett/Kew Elementary in Inglewood Unified. Inglewood, needless to say, is one of California's most impoverished and crime-ridden areas. Yet, Bennett/Kew is ranked "9." Furthermore, there are hundreds of inner-city, private schools heavy with students from low-income

A School Kid's Poem

(found wandering on the Internet)

Now I sit me down in school
Where praying is against the rule.
For this great nation under God
Finds mention of Him very odd.

If Scripture now the class recites,
It violates the Bill of Rights.
And anytime my head I bow
Becomes a Federal matter now.

Our hair can be purple, orange or green,
That's no offense; it's the freedom scene.
The law is specific, the law is precise.
Prayers spoken aloud are a serious vice.

For praying in a public hall
Might offend someone with no faith at all.
In silence alone, we must meditate,
God's name is prohibited by the state.

We're allowed to cuss & dress like freaks,
And pierce our tongues, noses, and cheeks.
They've outlawed guns; but FIRST the Bible.
To quote the Good Book makes me liable.

We can elect a pregnant Senior Queen,
And the unwed Daddy our Senior King.
It's inappropriate to teach right from wrong,
We're taught that such "judgments"
do not belong.

We can get our condoms and birth controls,
Study witchcraft, vampires, and totem poles.
But the Ten Commandments are not allowed,
No word of God must reach this crowd.

It's scary here, I must confess,
When chaos reigns, the school's a mess.
So, Lord, this silent plea I make:
Should I be shot, my soul please take.

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families and crime-ridden areas who routinely outperform their public school counterparts by a large margin with one-third of the funds. The "poverty" argument just doesn't fly. Reading methodology *does* matter.

Another argument is that our kids lack textbooks. Hogwash. The money is there, as per-pupil spending figures show. The problem is *how* the money is spent, a point most people miss. Assemblyman Tony Cardenas, for example, is the sponsor of Proposition 20, which requires school districts to dedicate a certain portion of their lottery funds on acquiring textbooks. He's passionate about this because many schools in his home district (LA Unified) have no textbooks at all — but why force a spending formula on all California schools that may be appropriate for only Los Angeles United?

The very existence of Proposition 20 demonstrates not that our schools lack textbook funds, but rather how irresponsible they are in setting their funding priorities. LA Unified provides a classic case in point. It's spending decisions are so politicized and skewed by social considerations that academics are no longer the primary spending consideration — but this is the direction that all California school districts are heading.

An example of these misplaced spending priorities is the aggressive effort by Los Angeles Unified to promote the homosexual agenda. A analysis of its budget reveals it is spending, at a minimum, $7 million on pro-homosexual curriculum lessons, funding the Gay and Lesbian Education Commission, maintaining the "Eagle Center" (a school run

(Please turn to page 31)

Panamanian Holiday

Californians taking a closer look at China's Canal machinations

by John Kurzweil

SOMEONE FORGOT to tell the communist Chinese about the end of history. A Pentagon book published in January concludes from writings by that country's chief military and Party strategists that China is making plans for war. February 2's *Washington Times* reported that *China Debates the Future Security Environment,* published by the Pentagon's Office of Net Assessment (and edited by Michael Pillsbury, a Reagan Administration defense policy planner), contains "some 600 translations of internal Chinese writings by 200 authors [that] reveal China's strategy to defeat a superior foe, using both military and nonmilitary means, such as propaganda, deception, and covert action."

Californians have been taking particular interest in the increasingly belligerent talk from across the Pacific, with some justification. The immediate probable cause of any U.S./China military confrontation would be an American defense of Taiwan's freedom against a communist invasion, and when a high-ranking Red Army officer wanted recently to warn against any such defense he mentioned the possibility of lobbing a nuclear missile not into Washington, D.C., but into Los Angeles.

Two California congressmen, Chris Cox and Dana Rohrabacher, have taken the lead in the House on Chinese anti-American espionage (see Leon McKinney's extensive coverage in *CPR's* Jan./Feb., March/April, and May/June 1999 issues) and the communist power's moves to gain a foothold at the Panama Canal. Also, a conference on the ramifications for the Golden State of the China/Panama Canal connection is being planned for this summer in Southern California. Security considerations aside, California holds a considerable economic stake in the free flow of ships through the Canal. The state would suffer grievously, for just one example, from any cut-off of Middle Eastern oil through Panama.

The myth spread around in the mid- and late-1970s when first President Gerald Ford and then Jimmy Carter (assisted by all the usual liberal suspects) worked successfully to ram through Congress laws providing for U.S. abandonment of the Canal and our retreat from Panama was that, as a matter of justice, we were restoring to the Panamanian people control of their country's most valuable asset. Former California Senator S.I. Hayakawa, in an impressive flourish of political double-talk, seemed to agree with both sides, saying he would oppose the Canal give-away because "we stole it, fair and square." Hayakawa never bothered to explain how we could have sto-

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John Kurzweil is CPR's *editor.*

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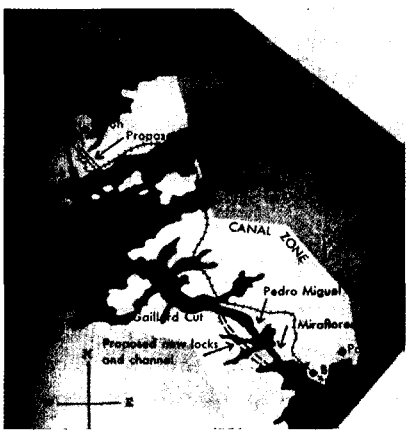
len a thing we ourselves built or how its ownership properly belonged to Panama, a "nation" created by the United States (at the request of the local population) out of part of northern Columbia at the end of a 52-year period (1850 to 1902) that featured no fewer than *53 individual revolts,* all unsuccessful, seeking the area's independence. After the United States purchased the interest of the failed French Panama Canal Company around the turn of the century (a transaction Columbia's rulers refused to ratify) the U.S. Navy prevented the landing of Columbian troops to suppress Panamanian revolt number 54 and, on November 6, 1903, the republic of Panama was born. In gratitude, it quickly ratified a treaty giving the United States the right to turn worthless jungle into a boon to the world. Perhaps Hayakawa meant the Canal really belonged to Columbia. In any event, he went to Washington, broke his word like a good Republican, and voted for the Canal give-away on April 18, 1978.

THE AMERICAN people never bought the notion that "justice" required abandoning the Canal. In 1976, Ronald Reagan, once he dropped the foolish "11th Commandment" and began hitting Ford on the Solzhenitsyn snub, Vice-President Rockefeller, and *the Canal give-away,* came within 100 delegate votes of toppling a sitting Republican president for the nomination of his own Party, an unheard-of feat in the GOP, with its heavy Tory tendency to support the top man no matter what. Richard A. Delgaudio, head of the National Security Center, a group supporting continued U.S. presence at the Canal, has turned up the interesting datum that of the 68 senators voting to surrender the Canal in 1978, 35 — more than half — "were no longer in the Senate after next elections: many attributed their defeat to their votes on the Canal treaties." Twenty-four were defeated in



their next general or primary elections, 10 retired (including Hayakawa), and one died.

My theory of the driving force behind the give-away, against the strong desire of the American people, was that it was lawmakers' intense desire to avoid being seen opposing the Beltway-fashionable, anti-U.S.-in-world-affairs fanaticism of the time. A telling quote from Jimmy Carter certainly suggests that little thought or care underlay this momentous move. "Ambiguity haunted the entire Panama Canal treaties process, negotiations, ratification and implementation," Carter wrote to Alaska Senator Ted Stevens in 1977. "It was not necessarily a failure to communicate — but a determination to transfer the Canal whatever the cost and with or without a meeting of minds." Ah, leadership!

But surely Panamanians desperately want and demand that the hated U.S. *Gringos* relinquish all control of the Canal! Actually, no, *they do not.* In 1998, former Joint Chiefs of Staff Chairman Admiral Thomas H. Moorer testified before the Senate Foreign Relations Committee, making several informative points. "In a recent poll," Moorer said, "70 percent of the Panamanian people expressed a desire to have some kind of continuing U.S. presence in the Canal Zone after the year 2000." Those landslide numbers perhaps explain why, believe it or not, the give-away treaty, Moorer said, *"was never signed by Panama."* (emphasis added) As the Admiral explained: "under Panamanian Law, a treaty cannot be simply entered into by its governing body; a plebiscite must be held so that the Panamanian people can voice their approval or disapproval with a vote. No such plebiscite has ever been held."

PANAMANIANS, EVIDENTLY more geo-politically astute than people named Ford, Carter, or Hayakawa, understand that you cannot "turn over" an internationally-vital strategic choke point to a small, corrupt, third-world government. It won't happen. At the first opportunity, they will sell it to the highest bidder, which will, of course, be a great power not yet too paralyzed by self-doubt or Beltway fascination to see the item's value. That is what has happened. Red China has bought the rights to control key ports at both ends of the Canal and is moving in. The Panamanians dislike seeing Chinese communists shoving their way into their country, and would like the *Gringos* to return.

Stay tuned.

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Who should be California Republicans' nominee to oppose Dianne Feinstein?

Ray Haynes

— *Bruce Herschensohn*

I AM PROUD to support Ray Haynes for the United States Senate and would like to review a few reasons why I have taken this step. I have known Ray for over a decade and have particularly admired his dedication to the original intent of the U.S. Constitution and his steadfast belief in liberty.

Senator Haynes is a proven conservative who has consistently refused to run away from the conservative values we share. Ray has told me that he became a Republican because of our Party's principled support of lower taxes, the family, the Constitution, and the sanctity of life. He supports a ballistic missile defense system and has shown belief in the *entire* Bill of Rights — not just selected ones. Throughout his campaign for U.S. Senate, he has emphasized these key issues because he believes them in his heart.

Ray Haynes does not just talk about these issues — he has successfully acted upon them. The car taxes you pay in California are lower today because of the battle Senator Haynes led in the Legislature. His support for the Constitution has been re-

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Bruce Herschensohn was the Republican Party's 1992 U.S. Senate nominee and now serves as a Distinguished Fellow at the Claremont Institute.

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Tom Campbell

— *Tim Ferguson*

WHAT MOST recommends Tom Campbell for the Senate is the fact he is not a political hack. Agree or disagree, there's thinking and not reflex behind his stances, a genuine quest for better government instead of cheap pandering on hot-button issues in order to exploit passions over symbols. Add that quality to what is a classically liberal (read: libertarian) mind, and you get about the best hope for an electable Republican statewide in current-day California.

The guy's pretty fearless and forthright. Social conservatives have felt the sting of that in past races when Campbell didn't mince words about his differences. If it's party unity you crave, he's not your guy. But this is an anti-party electorate, and Republicans might want to take that into account.

A current example of Campbell's backbone is his refusal to join in efforts to forbid Internet sales taxation. An anti-government case can be made for such a ban — it would cut off a rising stream of revenue to the state — but Campbell

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Tim Ferguson is CPR's *press critic.*

Bill Horn

— *Darrell Issa*

CALIFORNIANS HAVE a unique opportunity to appoint a conservative leader with a remarkably diverse background as our Republican nominee to challenge Dianne Feinstein in the race for United States Senate — San Diego County Supervisor Bill Horn.

Civic leader, Marine Combat Officer, farmer, ag leader, school board member, businessman — experience we need in the U.S. Senate.

As an elected official, Bill has built a solid conservative record and has been an outstanding community leader and a true voice for the Republican Party.

Bill was motivated to run for Board of Supervisors when county planners arrived on his doorstep with a plan to turn part of his avocado ranch into public parkland. Bill had other plans for his property and ran a successful campaign.

As chairman of the Board of Supervisors for San Diego Coun-

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Darrell Issa, founder and CEO of Directed Electronics, Inc., served as a co-chair of the campaign to pass Proposition 209, the California Civil Rights Initiative, and was a 1998 Republican candidate for U.S. Senate.

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Ray Haynes
by Bruce Herschensohn

warded with the endorsement of virtually every major conservative grassroots organization in California.

Ray has also earned the support and respect of people he has worked with, as he has been endorsed by more than 30 state legislators and members of Congress. They all recognize that Ray is a conservative who does not give up when the going gets tough.

Republicans need to nominate such a conservative to represent our Party, because we must clearly articulate the differences between our vision for a better California with that of incumbent Democrat Dianne Feinstein.

Despite the outcry by a vocal minority that our Party needs to moderate its views, I believe that we will fail as a Party if we nominate candidates who try to "out-Democrat" the Democrats.

Congressman Tom Campbell is Senator Haynes' main opponent in the Republican primary. Mr. Campbell has done the unthinkable — he has actually moved to the left of the Democrats on issues such as drugs and Internet taxation. In the current session of Congress, Tom Campbell has managed to earn a higher rating from the ACLU than Dianne Feinstein, Barbara Boxer, and Ted Kennedy.

In contrast, Ray Haynes has a track record of defending the constitution, protecting marriage, supporting parental choice in education, and fighting to cut our taxes. I am certain he will continue to lead on these issues when he goes to the United States Senate.

Elections are about choices and Ray Haynes provides a very clear choice in both the Republican Primary and the General Election. I know Senator Haynes will run a campaign of which we can all be proud and I am honored to endorse his candidacy for the United States Senate. I urge all the readers of this article to join me.

For more information on Senator Haynes, please visit his website at *www.rayhaynes.org.*

Bill Horn
by Darrell Issa

ty, Bill oversaw the largest privatization of public services in U.S. history, and dramatically reduced the size of the county bureaucracy. Today, San Diego County provides services more efficiently and with less red tape than when Bill was first elected five years ago. How many elected officials, conservative or otherwise, do you know who can make that claim? Too few, unfortunately.

When Handgun Control Inc. backed a measure to ban handguns in San Diego County, Bill led the successful effort to defeat their attack on the Second Amendment.

A school board member before becoming a county supervisor, Bill was instrumental in bringing charter schools to San Diego County. He is committed to improving education for our children — through increased opportunity and competition.

He is a decorated Marine Corps Officer (19 Combat Decorations including the Purple Heart, Bronze Star, and Cross of Gallantry) who served his country in Vietnam, a successful businessman, and a farmer. Bill is prolife and a devout Christian.

At the core of Bill's campaign for Senate is a strong belief that Clinton-era military cutbacks have diminished our nation's ability to defend our national interests. Senator Dianne Feinstein is vulnerable on defense issues, and because of her self-appointed role as advocate for the interests of communist China, Horn's message to voters goes to the heart of both of these issues. He's right on target.

Bill has a proven record of experience and the leadership skills that best qualify him for the United States Senate. A hero and a patriot, we would be well served to have Bill Horn represent us in the United States Senate. His record of accomplishment has as its foundation the principles and values of the Republican Party.

Tom Campbell
by Tim Ferguson

views it as a question of logic, balance and fairness. The government's going to be financed somehow, why exclude a certain business sector from bearing the burden? There's reasonable argument over this, but it's worth noting that Campbell — unlike some liberals from high-tech zones who've had a sudden anti-tax conversion on this issue — isn't sucking up to his Silicon Valley constituency. And the consumption tax is key to his wish to smash the income tax, and wouldn't that be sweet?

Courage? How about when Campbell stood up to top execs at Hewlett-Packard, the most powerful corporation on his Silicon Valley turf, in backing Proposition 209 and calling H-P on its support of mandat-

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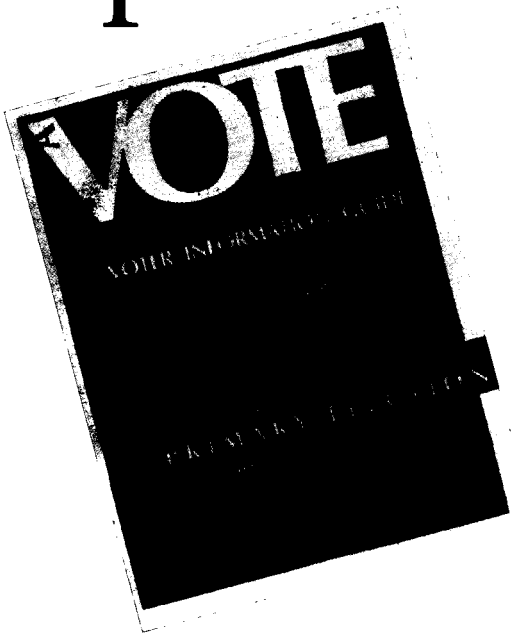
CALIFORNIA MARCH PRIMARY

Propositions



Special Section:

California Political Review's guide to the March ballot measures.

Dan Brennan: Initiatives & Referenda 21
James Bemis: Protection of Marriage Act 23
A *CPR* Debate 27
Resolved: Proposition 25 Should Become Law
Ron Unz, Affirmative • Ray Haynes, Negative

Initiatives & Referenda by Dan Brennan

Voters have the chance to weigh-in on 19 ballot measures on the March 7 primary ticket, and once again the talking heads are moaning. Why? Because, although the Party of big government is firmly in control of both houses of the California Legislature and the governor's office to boot, ever since 1978's Proposition 13 the people have used initiatives and referenda effectively to circumvent the unresponsive or misguided actions of the Legislature. It puts the voters ultimately in charge and the government pros don't like it one bit.

Welfare for Trial Lawyers

Witness **Propositions 30** and **31.** Both are referenda, the relatively rarely-employed mechanism by which voters can tell the Legislature, "Wait just a darn minute!" before new laws take effect. The 1998 Democrat sweep allowed trial lawyers to try to resurrect one of

Dan Brennan is a California Political Review *contributing editor.*

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their cash cows, the old, judge-created "bad faith" insurance law. A 1979 Rose Bird Court decision (that the post-Bird Court overturned in 1988) invented a new type of lawsuit against insurers, for "bad faith" refusal to settle claims without a trial. It meant insurance companies could be forced to pay huge additional penalties piled on top of whatever claims a court and jury might decide at trial they legitimately owed on insurance policies. It added enormous risk for insurers who availed themselves of their right to defend themselves in court and thus gave trial lawyers significant leverage to force pre-trial settlements. The doctrine lined trial lawyers' pockets, drove up insurers' litigation costs, and increased policyholders' premiums. Last year, Democrats passed two laws reinstating "bad faith." Insurance companies and other businesses qualified these two referenda, which, in effect, place the two laws before the voters to pass or reject. That's why the voters, assuming the legislators' role, vote "no" to reject the new laws, reversing the Legislature's actions, or "yes" to pass them, affirming the restoration of the trial lawyer booty.

Crime

Always popular in the initiative rounds are the tough-on-crime measures legislative liberals usually are too busy to deal with. **Proposition 18** adds "lying in wait" and arson to the list of special circumstances that can make convicted murderers eligible for the death penalty or life in prison without parole. **Proposition 19** adds two law enforcement agencies to those listed in 1998's Proposition 222, a measure that increased penalties for crimes against peace officers. **Proposition 21** would increase penalties for gang-related juvenile crime.

"Political Reform"

Proposition 23 provides for a choice of "None of the above" in elections, though it has no meaningful impact since the candidate with the most votes will still win. **Proposition 25,** debated by Ron Unz and Ray Haynes in this issue of *CPR*, page 26, mandates that taxpayers finance the dirty business of political campaigning and places severe restrictions on contributions to candidates. **Proposition 27** creates a non-binding, state-sanctioned term limit pledge for congressional candidates — something candidates have always been able to do without state government assistance. But it also provides for a kind-of scarlet letter for those who opt out of the pledge, by placing the candidates' pledge status next to their names on the ballot. Term limits are just one public policy issue however. If this concept runs its full course, expect eventually to see official pledges on everything from tax-cutting promises to expressions of love for the environment.

Gambling

The always-lucrative business of gambling shows up several times on the ballot. In 1999, the state Supreme Court overturned 1998's Proposition 5, the "Indian Gaming Initiative" that would have legalized casinos in California on Indian lands. This March's **Proposition 29** seeks voter approval for a 1998 (pre-Prop. 5) legislative proposal authorizing the operation of Indian "video lottery terminals" that operate as lotteries, not slot machines. Prop. 29 will *not* take effect, however, if March's **Proposition 1A** passes, because 1A ratifies a *more recent* legislative proposal that, among other things, specifically replaces all previously-approved proposals, *i.e.*, Prop. 29. 1A could permit Indian tribes to operate slot machines, lottery games, and card games in which the "house" has a stake in the outcome of the game ("banked" card games) and/or collects a given share of the amount wagered ("percentage" card games). Before the gambling could start, a "compact" specifying exactly what would be permitted would have to be (1) negotiated by the governor and the Indian tribe or tribes involved, (2) approved by the Legislature, and (3) approved by the federal government. Unlike Prop. 5, 1A is a state constitutional amendment, so Ron George would presumably have a little more trouble than usual sticking his nose in on this one.

Proposition 17 would allow for the expansion of raffles for non-profit organizations. Opponents complain that scam artists will create phony front organizations and drain revenue from legitimate charities' raffles. **Proposition 20** would restrict the spending of increased revenue from state-run gambling, also known as "the lottery," mandating that new monies be spent for classroom textbooks. One set of opponents (the California Teachers Association) would rather see the money mandated for class-size-reduction — *i.e.* more dues-paying teachers union members. The other opponents (two conservative stalwarts in the state As-

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sembly) argue that local schools need fewer, not more, restrictions on how they allocate money.

Protection of Marriage Act

James Bemis, below, provides an in-depth discussion of **Proposition 22**.

Bonds and Tax Hikes

Besides citizen measures to correct an unresponsive or misguided Legislature, several propositions appear on every ballot because the state Constitution requires voter approval before the The Party of Big Government, which sometimes includes big business, is permitted to spend more of our money in certain ways. For instance, the March ballot includes bonds. If they pass, the state will pay more than $8 billion over 25 years for about $4.7 billion in spending. Curiously, this year's state budget surplus is expected to be enough to cover this proposed spending. Why, then, put these presumed necessities on our credit card when we have a pocket full of spare cash? Of course, the explanation is that it's a shell game the Big Government folks love to play. Ask the voters to approve borrowing for politically popular spending while lavishing the spare cash on boondoggles the voters would find less palatable. Thus, **Proposition 12,** "safe parks," $2.1 billion; **Proposition 13,** safe drinking water and flood protection, $1.97 billion; **Proposition 14,** "literacy," $350 million; **Proposition 15,** crime labs, $220 million; and **Proposition 16,** veterans' homes, $50 million.

Another effort to win voter approval for more spending, **Proposition 26,** would lower the 120-year-old two-thirds vote of the people requirement to a simple majority to pass local bond measures. Local bonds are covered by local property taxes. Proposition 13 was overwhelmingly approved by voters losing their homes to runaway property tax assessments. This measure, which could be titled the "How Soon We Forget" initiative, will, if passed, greatly increase upward pressure on local property taxes as non-property owners vote to place homeowners on the hook for a highly probable orgy of new school construction bonds.

And finally, returning to measures placed by the non-Big Government Party, **Proposition 28** would repeal 1998's Prop. 10 — the 50¢-per-pack cigarette tax. Advertised as funding for "early childhood development programs," it has created a behemoth state bureaucracy.

MANY PROPOSITIONS make for a lengthy ballot, but voters should be grateful for this chance to weigh-in on the issues. On March 7, have someone else make your coffee, pick up your dry cleaning, and answer your telephone. This is your chance to make up, somewhat, for your legislators' many deficiencies. Go to the polls and vote. CFR

The Protection of Marriage Act

Proposition 22: Restating The Obvious, Preserving The Normal

James Bemis

"Only marriage between a man and a woman is valid or recognized in California."

IN A sane age, this assertion — containing the entire text of Proposition 22, an initiative on California's March 7 ballot — wouldn't be subject to debate, much less to a vote of the people. But ours is not a sane age, and thus today's men and women are driven to extraordinary lengths to defend the ordinary truths of their fathers. To paraphrase George Orwell, in a world gone mad, the primary duty of good men is continually to restate the obvious.

Hence, Proposition 22.

In the upcoming election, Proposition 22, the Protection of Marriage Act ... oops, sorry, the Limit on Marriage Act (a distortion of the measure's name and purpose introduced by our politically correct Attorney General Bill Lockyer) has emerged as this year's most contentious issue. The proposition, performing — *à la* Orwell — the primary duty of the good by simply stating the obvious, is opposed by a strange conglomeration of gay rights groups, feminists, movie and TV stars, educators,

James Bemis writes a weekly column for the Los Angeles Daily News.

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Democrat Party honchos, and, incredibly, some Christian churches. Oh, yeah — also nearly every major newspaper in the state.

BELIEVE IT or not, the assumption that we should recognize marriage for what it is — a union between a man and a woman — wasn't always a controversial matter. Virtually every society has some form of marriage as we know it, and the institution has proven itself as a means of preserving social stability and a tried-and-true way to provide for the care of women and children.

Western Civilization raised Holy Matrimony to the level of a sacrament, bestowing both privileges and — most importantly, yet often conveniently forgotten — duties on each of the partners. These obligations included a lifelong commitment, including sexual fidelity, to one's spouse in sickness and in health, till death do they part; providing for the care and upbringing of the children borne to the marriage; sharing ownership of property, and other responsibilities.

Most societies, including ours, recognized both the cultural benefits of matrimony and the burdens assumed by the married couple on behalf of the society at large, primarily in the proper raising of future generations. Thus, certain privileges and benefits were afforded those who shouldered the duties and responsibilities coming with marriage. These benefits included marriage tax breaks, inheritance rights, medical and other insurance coverage, and other special considerations. After all, marriage and family were the primary means of transmitting civilization and culture from one generation to the next, the building blocks of the future. It was generally acknowledged that families raising honest, productive, well-educated children were not only doing the Lord's work, but everyone else's too. And raising such children, heaven knows, ain't cheap.

This is a vital distinction to make in properly understanding today's "marriage" controversy. First came society's recognition of marriage's cultural value and its accompanying duties and burdens. The privileges and benefits afforded husband and wife followed. To hear some tell it, you'd think marriage was created solely as a means to bestow certain "rights" on heterosexual couples and deny them to homosexuals.

This is a fundamental misunderstanding of the nature of the institution of marriage, part of what seems to be a widespread and

The Campaign

According to a prominent Republican political strategist, the first year of the Proposition 22 campaign was "clumsy and awkward," focusing more on "an anti-homosexual than a pro-family message." But with the addition of professional public relations staff, campaign organizers have been "doing a good job lately" and thus the campaign "is much improved now."

According to campaign spokesman Robert Glazer, the committee supporting Proposition 22 is "going to run this in a very positive way." He believes things are "going well. People are starting to understand the truth" that the initiative simply defends traditional marriage and has "no negative impact on gays." How's the media coverage been? Glazer admits, "we have a hurdle to overcome in terms of media."

Here Mr. Glazer is being generous. Major newspapers in the state have dropped any pretense of fair reporting in news articles and have adopted an unremittingly negative tone about the initiative in their coverage. For instance, a search of news articles published in the Los Angeles Times about Proposition 22 brings up 29 stories at the time of this writing, all with an anti-22 tone, with headlines like "Clergy Attack Initiative on Gay Marriage," "Mormons Asked to Drop Support of Measure Banning Gay Marriage," and "Coalition Rallying Against Initiative to Ban Gay Marriage." Nothing remotely comparable was written about supporters of the initiative.

The same was true of the San Francisco Chronicle, which had published 18 article on 22 with headlines such as "Cast of 'Will & Grace' Comes Out Against Prop 22," and "Hate Victim's Mother Speaks Out - Prop 22 Called 'Another Seed of Fear'." No similar headlines covering those favoring the measure. The San Diego Union-Tribune ran articles on the campaign with headlines like "4 Candidates Join in Opposing Ban on Gay Marriage Recognition," and "Grass-roots Campaign Aims to Get Out Gay, Lesbian Vote."

You get the idea.

The negative reporting may be affecting Proposition 22's support. While a poll in September 1999 showed public backing at 63 percent, a late December Field Poll indicates only 51 percent in favor.

— James Bemis

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growing misunderstanding of the nature of all cultural institutions. In fact, this general confusion is so widespread among so many intelligent people, a cynic might conclude it is intentional.

In a way, I suppose, the progressives' push for "gay marriage" is a step up for matrimony. Not long ago, wedlock was condemned as paternalistic, repressive, and virtually akin to slavery. Nowadays, though, liberals consider marriage such a wonderful institution that its benefits shouldn't be denied to anyone, not even couples of the same sex.

The Initiative

Back to Proposition 22. The arguments in favor of the initiative are pretty clear — this is the traditional, time-honored definition of marriage and without codifying it, we're at risk of "same-sex marriages" being imposed on us either by judicial fiat or by forcing California to recognize these so-called "marriages" performed in other states. Arguments opposing the initiative are less lucid — more rant than reason — but should be countered nonetheless. So, as provided in the March 7 Primary Voter Information Guide, here are the arguments against Proposition 22:

It's redundant!

Opponents argue that "same-sex marriage" is already banned in the state, citing a 1977 bill signed by then-Governor Jerry Brown stating that marriages licensed in California shall be a relationship between one man and one woman. However, marriages performed in other states are generally recognized as valid here. Since several state courts — witness Hawaii and Vermont — have come close to imposing legalization of "same-sex marriage" on their states, proponents say Proposition 22 is needed to prevent California from recognizing these ersatz marriages in our state.

First came society's recognition of marriage's cultural value and its duties and burdens. The privileges and benefits afforded husband and wife followed.

It's divisive!

"Supporters of Proposition 22," opponents assert, "are spending millions of dollars to convince you that basic rights should be denied to a group of Californians." Yes, it's poor English. Beyond that, it's poor logic, too. The initiative only codifies current law and traditional understandings. It does not prevent anyone, including homosexuals, from getting married. Just not to each other.

It's unfair!

In other states, opponents argue, "arch-conservative legal organizations have used similar laws as tools to deny lesbians and gays fundamental rights — like the right to visit a sick or injured partner in the hospital, the right to inheritance, or the right to health insurance." Ah, yes, those ancient, venerated "fundamental rights" of domestic partners — right up there with life, liberty, and the pursuit of happiness — for which so many of our ancestors fought and died. What about those "rights"?

Well, as we've seen, marriage perquisites were provided as a way of easing the burdens of raising a family; a sort of societal quid pro quo for producing and molding the next generation, upon whom the continued existence of civilization depends. But with "domestic partnerships"— including heterosexual ones — there is no "give" to society, only "take." Therefore, persons participating in domestic partnerships have no claim, or "rights" to any special benefits — including family health insurance, family inheritance rights, or family visiting privileges — beyond those of any other citizen. None.

Alas, Proposition 22 does not threaten any of these hard-earned domestic partnership benefits. For example, California Code of Regulation, Section 70707 stipulates that "hospital visitation rights may not be restricted on the basis of sexual orientation." The dearly-departed remain free to leave their inheritance, except, of course, that portion the federal government absconds with, to any persons of their choosing. And governments and corporations will still be free to offer medical insurance and other benefits to couples that are shacking up — or living as domestic partners, for more sensitive souls.

It's totalitarian!

"Proposition 22," (opponents put this objection in capital letters so people will know they're serious here) "will result in unnecessary government interference." It's nice to see liberals

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finally becoming concerned about the continual encroachment of government into our lives. Unfortunately for them, Proposition 22 does no such thing. Proposition 22 neither requires nor prevents anyone from getting married. It prescribes no changes to anyone's behavior or living arrangements. It merely establishes the conditions under which a marriage is recognized as valid. To enter marriage, you must meet its qualifications, the same ones that have existed for thousands of years. If two or more people wish to enter into a "domestic partnership," they — unless they are my daughters — have been free to do so in the past and will continue to be so if Proposition 22 passes. This arrangement simply will not be sanctioned as a "marriage" — not then, not now, and — God willing — not ever.

It doesn't take an alarmist to foresee that if Proposition 22 fails, before long some judge in California will rule that the traditional definition of marriage as "one man, one woman" is discriminatory and demand that "same-sex" marriage be legalized. We're perilously close to that now.

Oddly enough, both sides of the debate talk about marriage's nominal — i.e. cash — value, but neither side mentions what is normal. And yet this is really the heart of the matter. Here again, we're threatened by what G. K. Chesterton said was modernity's morbid weakness for "sacrificing the normal to the abnormal." To the extent this sacrifice is made, our institutions become warped and degraded. The evidence? Look around you.

WHATEVER OUR views about homosexuality may be, they ought to be formed based on charity toward others and mindful of our own fallen nature. Nevertheless, we should not fear addressing that central question of normal human behavior, as we have got thousands of years of human experience to serve as a guide. So long as we shrink from examining and speaking the truth about ourselves, we'll continue to be bombarded with assaults on our traditional institutions, until one day we'll find there's nothing left of civilization worth preserving.

Why the fury?

From Allan Bloom's 1987 book *The Closing of the American Mind:*

"There is one thing a professor can be absolutely certain of: almost every student entering the university believes, or says he believes, that truth is relative. If this belief is put to the test, one can count on the students' reaction: they will be uncomprehending. That anyone should regard the proposition a not self-evident astonishes them, as though he were calling into question 2 + 2 = 4. These are things you don't think about. The students' backgrounds are as various as America can provide. Some are religious, some atheists; some are to the left, some to the right; some intend to be scientists, some humanists or professionals or businessmen; some are poor, some rich, They are unified only in their relativism and in their allegiance to equality. And the two are related in a moral intention. The relativity of truth is not a theoretical insight but a moral postulate, the condition of a free society, or so they see it. They have all been equipped with this framework early on, and it is the modern replacement for the inalienable natural rights that used to be the traditional American grounds for a free society. That it is a moral issue for students is revealed by the character of their response when challenged — a combination of disbelief and indignation: 'Are you an absolutist?', the only alternative they know, uttered in the same tone as as 'Are you a monarchist?' or 'Do you really believe in witches?' This latter leads into the indignation, for someone who believes in witches might well be a witch-hunter or a Salem judge. The danger they have been taught to fear from absolutism is not error but intolerance. Relativism is necessary to openness; and this is the virtue, the only virtue, which all primary education for more than fifty years has dedicated itself to inculcating .... The point is not to correct the mistakes [of the past] and really be right; rather it is not to think you are right at all."

All the Protection of Marriage Act says is that we know what marriage is and what it is not. But that alone is sufficient threat to the absolute relativist orthodoxy Allan Bloom described to account for the fury of the measure's opponents. What, after all, besides fury, will serve to defend the decedent certitude that all we know about right and wrong is that it is wrong ever to think we are right at all?

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Affirmative

Ron Unz

Government is for sale in California

THERE ARE many areas of the world where ordinary citizens suspect that their elections are for sale. But California is one of the few places where these purchases are publicly disclosed.

Consider last November's Proposition 9, an initiative sponsored by consumer activists that would have slashed utility rates in the state. The utility companies spent about $40 million to crush the measure, and some of their most effective television ads featured crusading consumer affairs reporter David Horowitz, star of the "Fight Back" TV series. Horowitz's impassioned claims that Proposition 9 would be a disaster for consumers swayed many voters. Most never realized that he had been paid more than $100,000 by the utility companies to make those claims.

During that same election, Proposition 10, the tobacco tax initiative, was denounced as "doing nothing for schools" in a series of TV ads by former state Superintendent of Public Instruction Wilson Riles Jr., leading his past political allies to wonder why. Post-election filings answered that question: He'd been paid $90,000 by the tobacco industry.

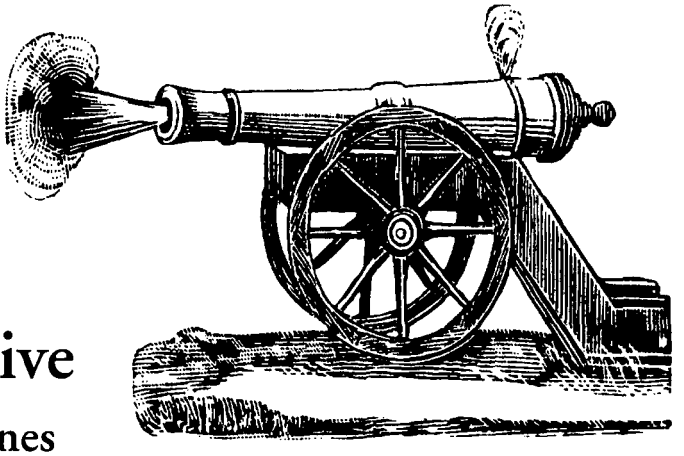
Despite strongly opposing both Proposition 9 and Proposition 10

Ron Unz, former Republican candidate for governor and author of Proposition 227 — 1998's measure to eliminate most bilingual education in California — is chairman of Voters Rights 2000, Proposition 25's sponsoring committee.

Resolved:

Proposition 25

should become law.



Negative

Ray Haynes

Big Government, not money, is the problem

PROPOSITION 25, the Ron Unz initiative for "campaign finance" reform is based upon a flawed premise: that the source of money is a problem in politics. Money in politics is not the problem; the problem is that government control of the economy forces people to give to politicians with whom they do not agree simply to keep the government off their backs. In short, the problem is big government, caused by big government, and benefits big government. But Mr. Unz's solution is: create *more* government. The essence of Proposition 25 is to empower bureaucrats to have more control over the political system, through a complex system of rules and regulations designed to discourage many citizens, who otherwise might participate in the political system, from even starting.

Worse than that, the system designed by Mr. Unz specifically leaves out the influence of unions, the one special interest group that has no problem resorting to political influence and government coercion to achieve its political ends. When asked about this outcome, Mr. Unz admitted that he left out unions because if he included them, the initiative might not pass because the unions would oppose it. Of course, the left always opposes anything that interferes with its agenda. So should the response of the lovers of liberty to that type of opposition be to capitulate to their demands, and then disarm ourselves unilaterally? I don't think so.

If Mr. Unz really wants to co

Ray Haynes, a Republican candidate to replace Dianne Feinstein in the U.S. Senate this year, represents California's 36th state Senate district (Riverside).

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Unz

on policy grounds, I was outraged by this growing role of purchased endorsements in elections and consequently drafted the California Voters Bill of Rights initiative aimed at the March 2000 ballot. Among other things, it would force endorsers to disclose in ads if they were being paid by the campaign or its major donors.

SUCH A requirement would have proved very helpful in our Proposition 227 initiative to dismantle California's system of "bilingual education." During that campaign, we had been surprised that a measure so obviously necessary and so overwhelmingly popular among the voters was nonetheless so strongly opposed by the leading candidates for governor, Democrat and Republican alike. Days before the election, they jointly starred in a multimillion-dollar series of television ads urging "No on 227."

Campaign reports later revealed that a huge portion of the opposition advertising campaign was funded by one individual, Republican billionaire A. Jerrold Perenchio, owner of the Univision Spanish-language television network, perhaps with an interest in preventing Latino children from learning English. Contribution reports also revealed that Perenchio, in last year's gubernatorial race, was the single largest individual contributor, writing checks that totaled nearly $500,000 to the leading candidates, including Republican Dan Lungren and Democrats Gray Davis and Jane Harman, a Davis opponent in the primary.

But for all these questionable campaign practices, the most obvious problem with our current election system is the unlimited and gigantic flow of money from special interests, corporations, and unions into the campaign accounts of our political leaders. California is one of the few states that places no restrictions on the size or source of contributions, and huge cash payments from doubtful interests have become the norm. During last November's election, Bill Lockyer, the winning candidate for state attorney general,

Haynes

trol the improper exercise of coercion, the improper exercise of government power, and improper intrusions upon liberty, he ought to stop those who use the power of government to force people to pay them money as a condition of having a job: the unions. They are shameless in their use of government force to line their own pockets at the expense of those they are supposed to help. In last year's legislative session, one union used its political power to obtain legislation that literally forced college professors in the CSU system to join their union, even though 70 percent of these professors had voted against joining the union. That is the real evil, that is the real abuse, yet Mr. Unz avoids the entire issue because the unions might oppose him. No wonder we lose elections.

I understand the motivation behind this type of initiative. There is a vague feeling among some that the rush by businesses and individuals to protect themselves from the heavy hand of the politician and the bureaucrat by paying them tribute is the cause of corruption in the government. That is simply wrong. Big government is the cause, and the solution does not lie in bigger government. It lies in the principles of liberty. One of the first of those principles is free speech. Speech, whether expressed with monetary support, political activity, or just plain complaining, should not be regulated or controlled by government, no matter what the excuse for it might be.

I can think of plenty of abuses of free speech appearing daily in the newspapers and over television and radio: inaccurate, one-sided, ideologically-distorted "reporting" that exerts an enormous influence over public perceptions of political issues, candidates, and office holders. Should the major media be restricted to a few thousand dollars worth of political advocacy per election, and banned from talking about politics when there are more than 12 months to go before an election?

THIS MEDIA power to shape opinion is worth an immeasurable amount of money — certainly it's value, if measured in terms of the campaign dollars that would have to be spent to duplicate it, dwarfs all the spending of formal campaigns, campaigns that never come close to achieving anything like the level of influence exercised day-after-day, year-'round, by even one medium — say, the *Los Angeles Times*. If Mr. Unz's premise were right — that our political problem is too much money from single or a few sources financing too much political speech — the place to start "reforming"

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and his chief rival, Dave Stirling, each received hundreds of thousands of dollars from the very gambling casino interests that, as California's chief law enforcement officer, he would be required to regulate or perhaps close down. In fact, gambling casinos have become the largest political donors in California, last year pouring about $100 million into our elections, including millions to Democrat and Republican candidates alike.

While most politicians probably can't be bought for $1,000 or $5,000 contributions, allowing donors to write checks for $500,000 creates a dangerous temptation for money-hungry political hopefuls. The reform initiative addresses this problem by imposing contribution limits — $5,000 for statewide candidates and $3,000 for others — that are low enough to reduce corruption but high enough to avoid being struck down by the courts, the fate of California's previous contribution limit laws. Also, all contributions of $1,000 or more would have to be disclosed within 24 hours over the Internet, with the largest donors to campaigns listed in the sample ballot and in media ads.

FINALLY, CANDIDATES would be prohibited from soliciting political contributions more than 12 months before an election. Without this, we see the current sordid spectacle of Governor Davis, who had no sooner entered office than he began a massive new fund-raising drive for his race in 2002, raising more than $6 million in just six months from the very special interests whose legislative fate he now all but controls.

The problem with California elections today is not that political campaigns regularly violate or even skirt the law but that the laws themselves have become so weak and ineffective that obviously corrupt practices are absolutely lawful. Elected offices — from national to local ones — are regularly bought and sold for cash payments, but with all those payments duly reported and the contracts underlying them drafted by

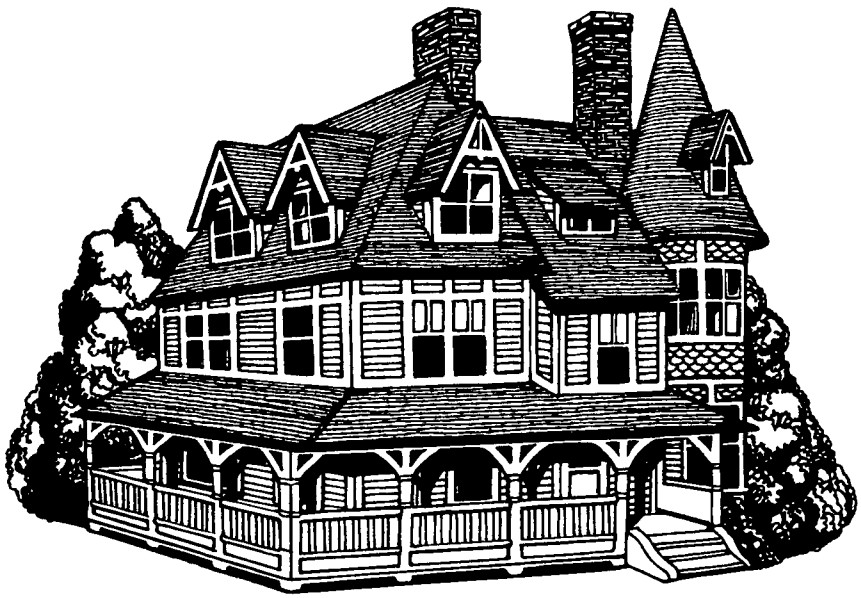
would be regulation of the major media's political speech. But of course, that would be not only unconstitutional but a declaration of open season for corruption in government.

So Mr. Unz, ignoring the vastly powerful media, instead seeks to impose his false premise on the rest of Californians who are already at an enormous disadvantage compared to the major media and the labor unions in carrying their side of the debate to the voting public. And just as cutting off major media reporting and criticism of politics would make corruption harder to expose and to end, cutting off ordinary Californian's ability to make donations to pay for reporting and criticism of politics *during campaigns* would tend to *increase* corruption in government — exactly the evil Mr. Unz says he wants to eliminate.

Proposition 25 will enhance the power of the major media and of labor unions at the expense of the rest of us while it further shields the entrenched ruling power structure from public scrutiny and open debate. In short, it is an assault on democracy. It should be resoundingly rejected.

Rebuttal: Unz

Ron Unz declined to submit a rebuttal to Senator Haynes' opening statement.



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respectable attorneys.

The harm to public confidence and democracy from such legalized corruption is enormous. In March 2000, Proposition 25 will allow California voters to end the abuses and restore our democratic institutions.

Rebuttal: Haynes

In his arguments in support of Proposition 25, Ron Unz mentions three situations which he believes support his claims about the evils of "big money" in politics: Jerrold Perenchio's role in Proposition 227, "consumer advocate" David Horowitz' role in Proposition 9, and Wilson Riles' role in Proposition 10.

His argument contains two major flaws:

Unz neglects to mention that big money put Propositions 227, 9, and 10 on the ballot. Of course, Mr. Unz' money put 227 on the ballot (a good thing), Ralph Nader's trial lawyer big money put 9 on the ballot, and Rob Reiner's big Hollywood money put 10 on the ballot (bad things).

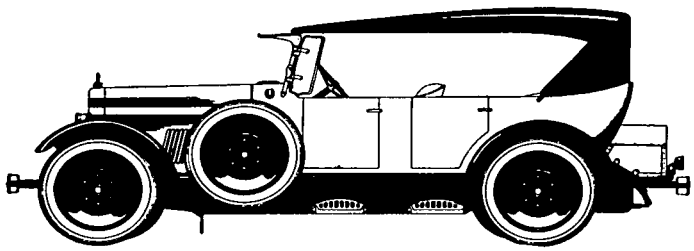
Why is it that big money spent in opposition to something is bad, and big money spent in support of something is good? Unz did a good thing. The bilingual program was a sham. But for the principled stand taken by Mr. Unz, and the commitment of his resources to that stand, thousands of children would still be lost in that failed policy. Perenchio was wrong. However, money is not good or bad. The principles supported or opposed by that money are what are good or bad. Controlling the money won't change the value of the principles. A person with a good idea should at least have an equal chance of finding some benefactor, who, convinced of the rightness of the cause, commits the resources necessary for its eventual victory, without government interference.

Why is it that big money spent in opposition to something is bad, and big money spent in support of something is good?

Big money is everywhere. There is big money in newspapers, in television and radio news, even in the flow of information over the Internet. There is big money in the unions. Why not restrict the flow of dollars that can be used to finance a newspaper, or a television station, or an Internet news source? Why not control the coercive power of a union? Don't these sources transmit political opinion? Why is the money spent in these endeavors less tainted than the money spent by politicians and advocacy groups in support of their cause? An argument can be made that controlling the media and the unions will actually lead to a better-informed public, because candidate and advocacy group bias is more easily detected than media bias.

BIG MONEY is a term of derision only used in the third person. "They" have big money behind "them." "We" have principle and the support of the people behind "us." "They" need government control. "We" need government support for our cause, achieved through limiting "them." "Their" big money needs to be controlled by bureaucratic regulation and government coercion.

Actually, all "we" and "they" need are a good cause, a strong argument, and the liberty, coupled with a constitutional restraint on government power, to make our arguments. If "we" resort to the government for our relief from "their" arguments and money, we will lose our liberty, and, if that happens, the rightness of our cause may be of little value. We will have done our children a huge disservice.



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Tom Campbell — *Ferguson*

(Continued from page 20)

ed racial preferences? How about when Campbell questions the "drug war," an engine of big-government? Or foreign aid to Israel? That's heresy to a whole range of political opinion. And unlike some "conservatives," he doesn't waffle in opposing laws that tell employers how much they may pay their hires (minimum wage). He knows what he believes and doesn't scatter with the political wind. The impeachment vote (pro, on the key counts) was another stand-up act. Some said it was a craven concession to the House leadership, but this flies in the face of Campbell's long record, including his prescient vote against Gingrich as speaker.

Campbell's opposition to Proposition 22 [The Protection of Marriage Act] will further antagonize some on the right, but others see this measure as yet another wedge campaign built around a matter of little practical consequence when there are so many areas of law that do directly affect millions of people and yet go untouched. If you think outlawing homosexual marriage is more important than, say, privatizing Social Security (which Dianne Feinstein won't hear of), then Campbell is unacceptable. And, yep, he's for some forms of gun control, some environmental regulation, unionized doctors to contend with insurance company power, and abortion rights. But there's too much of the Federalist Society in him to think that he would be off the reservation on the most critical task of the next Senate, approving Supreme Court justices.

Campbell's father was, in fact, a federal judge — appointed out of Richard J. Daley's Chicago political machine. The son saw hackdom first hand and, in one of his earliest acts of independence, rejected it. To contest the supposedly maverick Feinstein, the California GOP could do far worse. CPR

Front Line

(Continued from page 5)

ton" in both 1992 and 1996. Shenkman's group has lined-up "right-thinking" Republicans to oppose current Central Committee members, with financial power supplied by the "New Majority Committee," whose members include Democrats, voters who "Decline to State," and key players in the county's land development industry. County developers support GOP candidates, but also have a long-standing conflict with Fuentes over the local Party's adamant refusal to support county tax hikes or bond measures.

Despite the rhetoric, given Fuentes' record, it seems his opposition is moved less by concern about the local GOP's effectiveness than by opposition to Fuentes' "Reagan Republican" politics. The hypocrisy is stark: to an endless chant of "Party unity" and demands for effective election programs, this opposition spends lavishly to replace proven winning leadership with people whose track record of electoral success and experience in the drudgery of managing a major Party operation are both nil. And all because they don't like the current leader's political opinions. Worse, it appears the oppositions' leaders have misled or manipulated some of these groups' less politically-savvy, but well-heeled, members. Several interviews with these organizations' financial supporters confirm that many either did not know what their contributions would be used for or have little or no idea what county Parties exist to do.

So, even though a clash of factions and opinions can often lead to a more effective, responsive Party establishment, it is hard not to suspect that spending the nearly $500,000 of Republican funds Fuentes' opponents seem poised to commit in an effort to overthrow California's most effective local GOP chairman — and doing it all in an election year that will determine redistricting — ill serves Republican interests, which perhaps accounts for those Democrats among the check-writing backers of Fuentes' opposition. CPR

Baldwin

(Continued from page 16)

by homosexual teachers specifically for the purpose of converting "confused" children to the homosexual lifestyle) and, of course, funding domestic partners benefits for all Los Angeles Unified employees. Why Los Angeles Unified — and now dozens of other districts following its example — would subsidize health benefits for the lovers of homosexual school employees is a mystery that can only be attributed to the politicization of school spending. After all, homosexuals are among the most affluent groups in America, and are not helpless "dependents." Most have good jobs that also have health benefits.

If Los Angeles Unified would devote its attention as much to purchasing textbooks and raising academic performance as they do to making sure every child is inundated with information about homosexuality, its schools would be a lot better off. CPR

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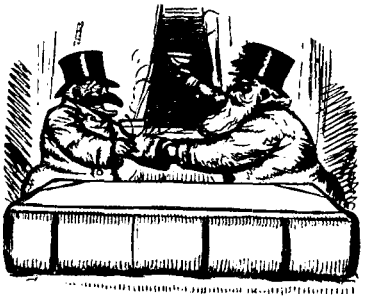

CRITICUS

Put Out More Flags

BY G.B. TENNYSON

CRITICUS LOVES a flag. His collection, modest and spotty though it be, contains some arresting items chosen for their rarity, their historical interest, or simply their visual attractiveness. There is the flag of Liechtenstein, for example, a field of blue and red divided horizontally, with a golden crown in the upper left on the blue portion. (The crown was added after the Berlin Olympics of 1936 when it was found difficult to distinguish the flag from the almost identical one of, curiously, Haiti.) There is the *Dannebrog,* the Danish flag, red field with a white cross so situated that the crossing is left of center and the horizontal white bar streams out to the right. This has come to be known as the Scandinavian cross, as it forms the basis for all the flags of the Scandinavian countries. King Valdemar II (1170-1241) saw it in a vision on the eve of battle with the Estonians and thought it meant that Christ wanted him to win. He did. Valdemar, that is.

In that same collection there are the two most attractive state flags, Maryland's (the arms of the Calvert and Crossland families in alternating quadrants, the only American heraldic flag) and New Mexico's (the stylized red Pueblo sun on a yellow field). Criticus even has a miniature of the old flag of South Africa — three horizontal bars, orange, white, and blue, and in the center of the white bar a rather fussy piece of work showing a small union jack, and the flags of the Transvaal and the Orange Free State. (All that has been swept away in the new South African flag, of course.) And there is the world's only square national flag, one that is ubiquitous in its home country, the Swiss flag, with its square white cross in a red field, the reverse of which was adopted as the emblem of the Red Cross, founded in Geneva. Criticus even has a reproduction of the flag of the Isle of Man with its three-legged symbol known as the *trinacria* on a field of red. Alas, I have no copy of the world's only national flag in the shape of two joined pennants, the flag of Nepal.

To see a colorful flag, any flag, snapping briskly in the breeze cannot but lift the spirit, as witness parades and Olympic pageantry. The sight also can invite one to think about the flag, which means to dip into history. When the British Primer Minister attended a conference in Colorado it was found that his American hosts were displaying the Union Jack upside down. How could they tell? asked many an American.

G.B. Tennyson has unflaggingly taught English literature at UCLA for many years and serves as CPR's *European and Southern correspondent.*

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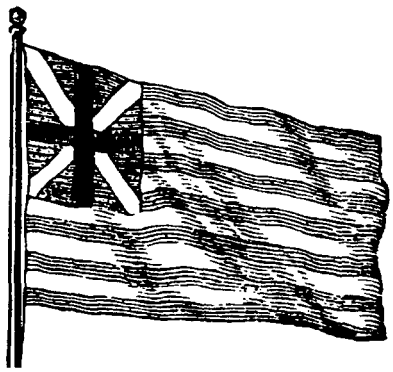
The answer is that the diagonal white and red crosses vary in position, the red crosses being placed above the white in the right-hand quadrants and the white above the red in the left-hand quadrants. Why? Because the white cross is the St. Andrew's Cross for Scotland and the red is St. Patrick's Cross for Ireland (actually a bit of a stretch, that, as Patrick never had a cross), and by alternating the placement neither is seen as superior to the other. On the other hand, the blue background is from the Scottish flag, the *Saltire,* which is one up for Scotland. Two up for England is the large dominating central upright Cross of St. George, which was effectively the English flag from the time of the crusades when it appeared as a red cross on a white field. The white edging perhaps reflects that field, but it is also said that the edging is there to prevent red and blue from touching, for that was taboo in heraldry, who knows why? All of this came about over centuries and reached its precise modern form only as recently as 1801, though a very similar flag was in use from the time of the accession of James I in 1603. But think of the history that American diplomats may have learned in correctly displaying the flag, if those left-wing Bourbons in the State Department are capable of learning anything.



Washington's flag proclaiming the formation of the Continental Army had the Union Jack in the upper left canton that now holds the stars!

The colors and history of a flag contribute to what is really the central purpose of all flags. That is to be a symbol. Symbols, Carlyle said, both conceal and reveal, for "in ... a Symbol there is ever, more or less distinctly and directly, some embodiment and revelation of the Infinite." That alerts us to that fact that though flags may originally have been designed for identification, especially in battle, they were never merely identifying. They were of a particular color, a particular design, and as the brief examples cited above show, the colors and designs always stood for something, had some particular association and meaning, and as time went on they accrued more associations and deeper meanings.

In the case of the American flag one hopes it is still reasonably safe to say that every schoolboy knows that the red and white stripes stand for the thirteen original states and the stars in the upper left stand for the fifty states. (George Washington's flag proclaiming the formation of the Continental Army had the Union Jack in the upper left canton that now holds the stars!) This historical datum, however, is not all there is to it. The flag also stands for the country as a whole, for its values and virtues, its past and its future. That is why chests swell with pride to hear a song like "You're a Grand Old Flag," even if it does claim boastfully that "Every heart beats true / to the Red, White, and Blue / Where there's never a boast or brag." That is why grown men can weep to see Old Glory passing by. Criticus had an uncle who always wore a flag badge in his lapel, not so uncommon for those who fought in America's wars. That is why we stand for the playing of a national anthem that may well be unique among national anthems in being all about a flag. We even pledge allegiance to it.

It will come as no surprise to remark now that all this leads us to the cradle of the Confederacy, to South Carolina. Unless some reader has been in Nepal for the past several months in pursuit of the two-pennant flag, all who see these words surely know about the brouhaha over the Confederate battle flag flying atop the statehouse in Columbia, South Carolina. All probably also think there is really nothing more that can be said about the matter. Perhaps not, but Criticus thinks he can extract deeper meaning from the symbolism of all this, a meaning the symbol of the flag conceals as well as a meaning its detractors conceal or do not understand.

First, a few correctives to what has been so loosely disseminated by the media. The Confederate battle flag stands in the lowest of three positions, the top one being the U.S. flag, below it the state flag of South Carolina, and below it the Confederate battle flag. Therefore, to say, as so many have, that the Confederate flag flies above the South Carolina statehouse is true but misleading if it suggests that it flies there alone. Second, the flag has been thus displayed for almost 40 years. The practice was instituted by a state political establishment thoroughly dominated by Democrats initially to mark the 100th anniversary of the outbreak of the War Between the

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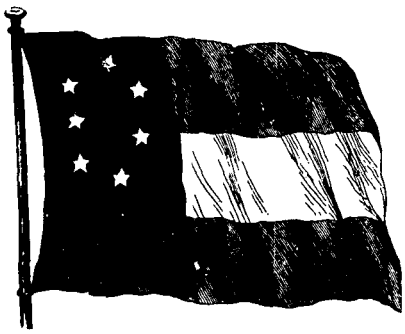
States, or as some would have it, the Civil War, and as others would have it, The War of Northern Aggression or the War for Southern Independence. Third, the Confederate flag in one variation or another flies over a number of statehouses, not over South Carolina's alone.



The Stars and Bars is the term for the official flag of the Confederacy. It was itself reminiscent of the Stars and Stripes.

THIS LAST point is worth expanding on. No fewer than eight former Confederate or would-be Confederate states have flags that are in greater or lesser degree reminiscent of the Confederate flag. Alabama and Florida have crimson St. Andrew's type diagonal crosses on white fields. (Only one non-Southern state has any kind of cross on its flag — Hawaii, which bears the Union Jack in its upper left quadrant.) Arkansas, Missouri, North Carolina, Tennessee, and Texas have flags in the Confederate colors (also the U.S. and British colors), whereas only four non-southern states use those colors. The colors are usually distributed in broad horizontal bands, or in two horizontal bands, customarily red over white, with a vertical, usually blue, band, on the left — in other words, not in the striped form of the U.S. flag. Admittedly, Arkansas has an elaborate, purely Arkansas-related explanation for all the symbols on the flag, but one suspects that, like her favorite son, Arkansas is probably lying, for the flag speaks strongly of Confederate combinations. Less obvious, but nevertheless with that Confederate innuendo, is the Tennessee flag, which otherwise looks as though it could be from a remote British dependency first claimed by Captain Cook. Let's dispatch Algore thither soonest.

Texas is, as usual, a more special case. Its well-known flag was adopted in 1839 and is thus pre-Confederate or perhaps Confederate *avant la lettre.* It replaced the pre-statehood Texas flag, which had a blue field with a single white star in the center, hence the Lone Star State. The current state flag has two broad horizontal bands on the right, white over red, and on the left a vertical blue band with that single white star in its center. To be sure Texas is not wanting in explicit Confederate symbols. Thus during the flag flap complaints conveniently surfaced in Texas about bronze Confederate plaques in state buildings and Confederate statues on state capitol grounds. This could be the start of something big. But I digress.

Granting all of these quasi-semi-demi-hemi-Confederate banners, it is to Georgia and Mississippi that we must look for inescapably Confederate inspired flags. The Georgia state flag has a left-side blue vertical band, like Texas, with the state seal in the center, but the right-hand remaining two thirds is with no variation simply the Confederate battle flag. It was adopted in 1956, four years before South Carolina started flying the battle flag. The Georgia flag of course flies over the state capitol and presumably in other public places, but it was kept largely out of sight during the Atlanta Olympics. For the recent Super Bowl game in Atlanta players were exhorted to wear a small U.S. flag decal on their helmets as a sign of opposition to the Georgia state flag. The great peacemaker Jimmy Carter was not heard from on this issue, so Criticus broke his vow of abstention from viewing mass proletarian gladiatorial contests and tuned in for a time to check out the helmets. I saw no such decals and not even the state flag, but then I had missed halftime when it might have been visible. I came in for most of the second half of the game. It was moderately interesting, so the tedium of seeking sightings of the flag was somewhat ameliorated.

BUT FORGET Georgia. Mississippi, long and rightly regarded as the most unreconstructed state, outdoes them all. Her flag, adopted as long ago as 1894, is a combination of the Stars and Bars and the Confederate Battle Flag. The Stars and Bars, Constant Readers, is the term for the official flag of the Confederacy. It was itself reminiscent of the Stars and Stripes. In place of the thirteen red and white stripes there were three bands, red over white over red. In the upper left was a blue box with stars for each state, as in the U.S. flag, but these stars were arranged in a circle. It was because the resemblance of the Stars and Bars to the Stars and Stripes caused confusion in the smoke and dust of combat that the more distinctive Confederate battle flag was fashioned. The Mississippi state flag has the three bands of the Stars and Bars, but in blue over white,

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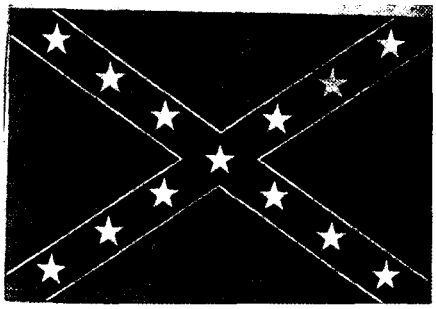
over red. Where the U.S. flag and the official Confederate flag have stars in the upper left box, Mississippi has the Confederate battle flag. Now that's mincing no symbols. And not mincing them for more than a hundred years.

All this recitation about flags is designed to show that the flying of the Confederate flag in Columbia, South Carolina, is less an anomaly than its opponents would have us believe. Remember that it is in third place on the staff, below the very un-Confederate, indeed stridently pro-U.S., state flag, which features, centered on a blue field, the palmetto palm and above it on the left a crescent moon. These two symbols taken from the state seal reflect, first, the palmetto-log fort of Sullivan's Island, South Carolina, that withstood the attacks of the oak ships of the British in that earlier rebellion against duly-constituted authority known as War of American Independence, and second, the crescent sign that, from 1775, Americans wore on caps along with the motto "Liberty or Death." Thus, unlike Mississippi and Georgia that give second place to the Confederate battle flag, South Carolina demotes it to third place below two flags that celebrate the United States and the War of Independence.



'Offensive' has become a term that justifies banning just about anything liberals dislike, from *Huckleberry Finn* to the way certain people are perceived to look at others, known as the sin of 'lookism.'

Virtually none of the foregoing information has surfaced in the various commentaries on the flag issue that Criticus has seen or heard. Nor did we learn that only about *four percent* of southern whites owned slaves. Or that some southern blacks also owned slaves. Or that thousands of blacks fought for the Confederacy. Or that, in the North, the United States willingly enforced the Fugitive Slave laws. (Why else did those tormented slaves have to take the Underground Railway all the way to Canada?) Or that the Emancipation Proclamation was directed only at states in the Confederacy, where it had no effect, and therefore left slavery fully intact in Delaware, Maryland, Kentucky, Missouri — southern states not in the Confederacy — and in the very capital city where it was issued. (One likes to imagine that Kentucky-born Lincoln went out in his carriage and observed with equanimity a slave or two trotting along behind their master or mistress, reflected thereon, then went back to the White House to write his proclamation, making Lincoln the earliest version of a Limousine Liberal.) Or that until the actual abolition of slavery with the Fourteenth Amendment the United States counted a slave as only three-fifths of a person for census purposes and hence for congressional representation. Or that the flag of the United States flew over slavery for almost 90 years (the British flag waved over New World slaves for more than 150 years) while the Confederate flags flew over the Peculiar Institution for a mere four.

Instead of any historical reflection on what is actually a very tangled matter in which reproach and blame can be generously distributed on all sides, we have had an outpouring of exceptional nastiness in only one direction from our liberal practitioners, who have been almost the only voices heard on the issue. For the *Los Angeles Times,* Conrad naturally supplied a crude political cartoon of the flag in which the Confederate cross is rendered as a spread-eagled, apparently black, body nailed at the extremities. Michael Ramirez, so often criticized for being right-wing by the knee-jerk liberals who write letters to the editor of the *Times,* also obliged reigning opinion with a cartoon of the Columbia state house showing three flags, the U.S., the state, and the Nazi flag. That shameful and unjust equation was frequently made by others in writing or on talk radio.

ONE TALK radio host in Southern California heroically staged a public burning of the battle flag. The L.A. City Council passed a resolution telling South Carolina what to do. Columnist Mike Downey fulminated in the *Times* that the flag was "contemptible," "a symbol of disgrace," "an insignia of the South's greatest dishonor," and that South Carolina was the "first territory to double-cross the union and the founding fathers." (Why, then, did the United States not let South Carolina's people go?) Even the usually wry Andy Rooney turned into an establishment Uncle Tom-Andy on "Sixty Minutes," saying the flag was a "symbol of bigotry," and does "not belong on the same flagpole as our Star-Spangled Banner." That's the same banner,

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you understand, that flew over the Dred Scott decision, that Colonel Robert E. Lee served under in subduing John Brown at Harper's Ferry, and that throughout the nineteenth century waved over the ethnic cleansing of American Indians.

All of this heat was generated because of the view that the battle flag is "offensive" to some people, especially blacks, and hence must be removed. For many liberals "offensive" has become a term that justifies banning just about anything they don't like, from *Huckleberry Finn* to the way that certain people are perceived to look at others, known as the sin of "lookism." Now, Criticus is offended by much that goes on in the world, and many there are who share his sentiments on many things, and many there are who are offended by yet other things. But some offenses are more equal than others in the eyes of the chattering classes, and only these offenses must be banned. Oddly they do not include public burning of the U.S. flag. But what would they say if there were public burnings of the Mexican flag on *Cinco de Mayo?* I asked a convenient cousin what she would think if at some future time Mexican-Americans, or pressure groups acting in their name, determined that the California Bear Flag was offensive in that it symbolized the "theft" of California from Mexico, brutal treatment of Indians and Mexicans, forced imposition of American culture, and so on — in short, that it was simply a flag of oppression. Cousin said, as kindly cousins will, "Oh, that's not going to happen." A generation ago any Carolina cousin would have said the same about an attempt to remove the battle flag. Be warned.

So here are some conclusions that can be drawn. On an immediate level the Columbia gathering protesting the battle flag on Martin Luther King Day (two days shy of Lee-Jackson Day) was a sign that the boycott was not working and needed some stimulus from the media, which cheerfully obliged. On a deeper level, the flag controversy is another instance of the ever-expanding, ever more militant march of the politically correct, which will always attract the usual useful idiots from the media and elsewhere. On a yet deeper level, the flag furor is an instance of the growing obsession with what Criticus can only call "slaveology," the preoccupation with slavery leading to the belief that the central fact of American, even of all human, history is slavery in the American south. Militants ought to read Hugh Thomas's magisterial *The Slave Trade,* 1440 to 1870 (Simon & Schuster, 1997) to get a broader, truer picture of what slavery has been through the ages.

There could also well be more accentuation of the positive. In a generally reasonable piece in the "Opinion" section of the Sunday *Times* a Michigan State professor of American history, one Robert Bonner, noted various recent efforts to promote a distinctive flag for black Americans. One daring version of such a scheme is an adaptation of the very battle flag itself rendered in the black, red, and green of the African liberation movement. Other sorts of flags have been proposed and might be more appropriate, if the aim is reconciliation. The idea of a new flag is worth considering. It is certainly more positive than yet another march or the banning of a symbol that many revere. And it would add another flag to fly in the breeze. It might help to make people understand the wisdom of T.S. Eliot's observation that victor and vanquished are in the end "folded in a single party," and that "Whatever we inherit from the fortunate / We have taken from the defeated / What they had to leave us — a symbol."

What a new flag might also do is to moderate the zeal for yet more combat, more discontent, leading to more interference in other people's lives. As currently pursued, the flag frenzy, like the changing of names of schools and the banning of mottoes and mascots, is an aspect of the culture wars that are being fought out even as most of the populace doesn't quite grasp it. On the deepest level of all, political correctness and the culture wars are the outward and visible signs of that concealed meaning Carlyle discerned as lying beneath all symbols. That meaning is that there is an encroaching totalitarian mindset among our ruling classes that favors wiping out all history, all traditional associations, all memories, all affections, and of course all symbols, songs, and signs of the past, indeed, all real diversity. In this, even the black pressure groups are mere useful idiots who can be turned out like a rent-a-mob. In supposedly defeating socialism we have merely scotched the snake, not killed it. It is writhing again. Put another way, the real question is, as a certain Mr. H. Dumpty observed, "Which is to be master?" When that flag comes down, as it probably will, you will have your answer.

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The Committee For Religious Freedom

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If you believe that no government may legitimately tell us what to think about religion, morality, and politics; if you share our support for freedom of conscience, religious freedom, and free speech, then please use the form below to join us by adding your name as a signer to The Committee for Religious Freedom's Statement of Support for the three-judge panel decision in *Thomas v. Anchorage Equal Rights Commission.*

This Committee, which needs everyone's support, includes nationally-known Catholic, Protestant, and Jewish leaders: *First Things* Editor Rev. **Richard John Neuhaus**, nationally-known author Rabbi **Daniel Lapin**, Roman Catholic Bishop of Salt Lake City Most Rev. **George H. Niederauer,** *Life & Times* host **Hugh Hewitt**, Former U.S. Ambassador to the Vatican **William A. Wilson**, and Pastor **Laurence White** of Houston's Our Savior Lutheran Church. Please read our full statement and list of signers at our web site (www.cppf.org) or in *CPR's* Nov./Dec. 1999 issue.

These Religious and Community leaders support the January ruling in *Thomas v. Anchorage Equal Rights Commission* which upholds First Amendment religious freedom guarantees against lawsuits that would force landlords to choose between sacrificing their livelihood or renting against their religious convictions to unmarried couples. That ruling is now under review by an 11-judge panel of the U.S. 9th Circuit Court of Appeals.

"Landlords are accused of violating civil rights if they object on religious grounds to being forced to choose between renting to unmarried couples or going out of business," our statement reads. "But is it not *their* freedom of conscience and *our own* First Amendment Religious Freedom rights that are under attack?" If you agree that these rights should be defended, please sign and return this form today. Thank you.

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